

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

LEGISLATURE OF ALABAMA,

AT THE

CALLED SESSION

**BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE SECOND
MONDAY IN JUNE, 1837.**

TUSCALOOSA:

PRINTED BY FERGUSON & EATON,

STATE PRINTERS,

1837.

BLANK PAGE

HOUSE OF REPRESENTATIVES.

MONDAY, June 12, 1837.

This being the day fixed on by the Proclamation of his Excellency, Clement C. Clay, Governor, for convening the General Assembly of the State of Alabama; the following members of the House of Representatives, appeared in the State Capitol, in the town of Tuscaloosa, and took their seats, to wit:

From the county of Autauga—Samuel Simmons, Benjamin Davis and John P. DeJarnett.

From the county of Baldwin—Lee Slaughter.

From the county of Barbour—Green Beauchamp.

From the county of Benton—John Turner.

From the county of Bibb—John Williams and William Christian.

From the county of Blount—M. T. Johnson and Enoch Aldridge.

From the county of Butler—Herndon L. Henderson and Henry T. Jones.

From the county of Clarke—Thomas Saunders.

From the county of Conecuh—J. V. Perryman.

From the county of Covington and Dale—Abraham Warren.

From the county of Dallas—Burwell Boykin, John J. Greening and J. M. Calhoun.

From the county of Franklin—T. Skinner and R. A. Baker.

From the county of Fayette—W. S. Taylor and C. Boyd.

From the county of Greene—John May, John Erwin and W. B. Gage.

From the county of Henry—James Ward and Alexander Gordon.

From the county of Jackson—John Berry, R. S. Scott, William M. King, Benjamin Snodgrass, Samuel McDavid and James P. Frazier.

From the county of Jefferson—Samuel G. McMillion and M. Kelly.

From the county of Lawrence—John T. Abernathy, Richard Puckett, William Reneau and M. Priest.

From the county of Limestone—John H. J. Wynn, Asa Allen and F. B. Nelson.

From the county of Lauderdale—S. C. Posey, Robert M. Patton and C. Carmack. Mr A. J. Hutchings the member elected from the county of Lauderdale, to fill the vacancy occasioned by the resignation of the Hon. John McKinley, was qualified and took his seat.

From the county of Lowndes—J. L. T. Cottrell, R. P. McCord and Alfred Harrison.

From the county of Marengo—William J. Alston and Benjamin Shield.

From the county of Madison—S. Leftwick, David Moore, Rodah Horton, Parham N. Booker and William Smith.

From the county of Morgan—Milton McClanahan, M. W. Lindsay and Riley S. Davis.

From the county of Marion—Joshua Gann.

From the county of Montgomery—A. V. Scott, John A. Campbell and Samuel C. Oliver.

From the county of Monroe—Stephen R. Andrews and Arthur B. Bagby.

From the county of Mobile—John F. Everett and Joseph Bates, jr.

From the county of Perry—O. C. Eiland, Michael Wright and John Barron.

From the county of Pike—William F. Evans.

From the county of Pickens—Thomas Williams, Joseph Martin and Jephtha Spruill.

From the county of Shelby—John M. McClanahan.

From the county of St. Clair—Richmond Hammond and John W. Cobb.

From the county of Sumter—W. W. Payne.

From the county of Talladega—Francis Mitchell.

From the county of Tuscaloosa—Samuel G. Frierson, Dennis Dent, H. W. Ellis and George W. Crabb.

From the county of Walker—Eldridge Mallard.

From the county of Washington—John H. Owen.

From the county of Wilcox—William H. Pledger and D. E. Smith.

On motion of Mr Everett, Mr Erwin was called to the chair, and Gideon B. Frierson appointed Clerk *pro tem*.

The House then proceeded to the election of a Speaker: Arthur P. Bagby, a Representative from Monroe county, alone being in nomination, and having received seventy-eight votes, that being the whole number given, was declared duly elected, conducted to the Chair and made his acknowledgements to the House, as follows:

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:—

Contrary to every human anticipation, when we last separated in this Hall, consecrated to Legislative deliberations; we have again assembled under the form of the Constitution, for the purpose of deliberating upon matters vitally interesting, not only to the present, but to future times. In resuming the duties of the station, in which I was originally placed, by your partiality and kindness, I beg leave to tender you my sincere thanks, for the renewed expression of confidence, and repeat the pledge I formerly gave to discharge the duties of the Chair impartially, to the best of my ability. I avail myself, also, of this occasion, to express the hope which I confidently cherish, that our deliberations in the present great and interesting crisis of our affairs, may be characterized by a spirit of unanimity and good feeling, and of beseeching the Supreme Ruler of the Universe to over-rule and direct all our proceedings, to the furtherance of the great ends of substantial justice, and the welfare and happiness of the people.

He was then qualified and entered upon the duties of his office.

The House then proceeded to the election of a principal Clerk: Gideon B. Frierson alone being in nomination, was duly elected, qualified and entered upon the duties of his office.

The House then proceeded to the election of a Door-keeper: John Tatum alone being in nomination, was duly elected, qualified and entered upon the duties of his office.

The House then proceeded to the election of an assistant Clerk: Henry L. Martin alone being in nomination, and having received the whole number of votes given, was declared duly elected, qualified and entered upon the duties of his office.

The House then proceeded to the election of a Messenger: Whereupon James Rather was duly elected, qualified and entered upon the discharge of the duties of his office.

Mr Berry offered the following resolution: Resolved, that the rules of this House, heretofore adopted, be the rules of the present session; which was adopted. Ordered that ninety copies of said rules be printed for the use of the members of this House.

On motion of Mr Oliver, Resolved, that the Senate be informed that the House of Representatives have met according to the Governor's Proclamation, and have elected the Hon. A. P. Bagby their Speaker, Gideon B. Frierson their Principal Clerk, Henry L. Martin their Assistant Clerk, John

Tatom their Door-keeper, James Rather their Messenger and are now ready to proceed to business. Ordered that the Clerk acquaint the Senate therewith.

A Message was received from the Senate, by Mr Connor, their Secretary: Mr Speaker—I am instructed by the Senate to inform the House of Representatives that a quorum of the Senate have convened in the Senate Chamber, and are now ready to proceed to the discharge of public business. Ordered that the said message lie on the table.

On motion of Mr Frierson, Resolved, that a committee be appointed on the part of the House, to act with such committee as may be appointed on the part of the Senate, to wait upon his Excellency, the Governor, and inform him that the two Houses are now organized, and ready to receive any communication his Excellency may see cause to make: Whereupon Messrs. Frierson, Shields and Owen were appointed said committee.

Mr Davis of A. offered the following resolution: Resolved, that the Editors or Reporters of all the newspapers in this State, be permitted seats within the bar of this House, for the purpose of taking the proceedings of the present session.

Mr Carmack moved to strike out the word "State," where it occurs in said resolution, with a view to insert in lieu thereof the word "city;" which was lost. The resolution was then adopted.

A message was received from the Senate, by Mr Connor, their Secretary: Mr Speaker—The Senate have adopted the following resolution: Resolved, that a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to inform his Excellency, the Governor, that the two Houses are now organized, and ready to receive any communication he may wish to make; in which they ask the concurrence of the House of Representatives. They have appointed on their part Messrs. Hudson, Smith and Burke; which was ordered to lie on the table.

On motion of Mr Rencau, Resolved, that the Door-keeper of this House be instructed to contract for stationary for the use of the present General Assembly.

Mr Spruill offered the following resolution, Resolved, that during the extra session of the present General Assembly, no business of a local character will be acted on by the House of Representatives; which resolution on motion of Mr Erwin was ordered to lie on the table.

Mr Campbell offered the following resolution:

1. *Resolved* That the constitution of the United States provides that no State shall coin money, emit bills of credit, make any thing but gold and silver, a tender in payment of debts, or pass any law impairing the obligation of contracts; and that the constitution of the State of Alabama requires that all courts shall be open, and every person for an injury done to him in his land, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. That no embarrassment however general in the pecuniary condition of our citizens, and no extremity of individual suffering can absolve the General Assembly of this State from an observance of these constitutional provisions. That the relation between parties to legal contracts cannot be determined by legislative action: That every citizen has the right to prosecute or defend any civil action in our courts of justice: and no alteration in the modes of proceeding can be made by the General Assembly impairing their efficiency without a violation of the spirit of the constitution—as it will tend to produce delay and often a denial of right and justice.

2. *Resolved*, That in times of distress and difficulty, growing out of pecuniary embarrassments, and confidence withdrawn, it should be the care of those entrusted with the powers of the State to re-assure the public creditor, and to preserve the public faith from any stain. That the debt of this State was created upon the pledge of its faith to discharge it in a currency of an ascertained value and of universal credit, susceptible of no alteration injurious to the creditor by any act of its Government. That it is the duty of the General Assembly so to provide that the faith of the State shall receive no prejudice by a want of integrity in the fulfilment of this pledge.

3. *Resolved*, That by the constitution of the State of Alabama it is provided that no bank shall be chartered unless the State and individual stockholders shall be liable respectively for the debts of the bank in proportion to the stock holden therein, and that the charters of the bank of

the State of Alabama and its several branches contain a pledge of the faith and credit of the State for their support, for a supply of any deficiency of the funds specifically pledged for a discharge of their liabilities and to indemnify their creditors against losses from such deficiency. That the control and management of these institutions has been confided to agents appointed by the General Assembly and acting under its supervision.

That therefore it is the duty of the General Assembly to take such measures as will strengthen the ability of the banks, to re-establish their credit, to inspire confidence in their solvency and to compel a restoration of specie payment at as early a period as practicable, consistent with the safety of the banks, and the permanent interests of the community.

4. *Resolved*, That in consequence of the embarrassments that prevail throughout the country, individual credit is prostrated and confidence destroyed. That the prices of property, produce and labor have experienced an enormous and unforeseen reduction. That suits for the collection of money have greatly increased, and that sales of property at ruinous sacrifices must occur.

That the resources of our people under these multiplied disasters have become paralyzed—that these resources are abundant—and that their accustomed enterprize, industry and economy will be fully adequate to relieve the largest class of sufferers from all embarrassment, if time is afforded for their exertion. That it is the opinion of this body, that the General Assembly have no power to assume the payment of the debts of any portion of its citizens or to impose them as a burthen upon the State; and that it would be neither just nor expedient, to provide any fund for this purpose save the separate property of the debtor—but that in strict subordination to this principle, that it is within the competency of the General Assembly to extend the credit of the State and apply its resources to revive individual credit, and to enable solvent debtors to appropriate their resources to extricate them from their present embarrassments. That such a policy will afford extensive relief, will secure to the creditor the fulfilment of their obligations to him, will spare costs and expenses to the debtor, and stimulate his industry and enterprise without impairing the credit or resources of the State.

5. *Resolved*, That a committee of eighteen members be appointed to report by bill or otherwise in accordance with the principles of these resolutions.

Mr Calhoun moved to lay the resolution on the table, and that two hundred copies thereof be printed, for the use of the members of this House. Ordered that said resolution be made the special order of the day for committee of the whole on Wednesday next.

Mr Frierson from the committee on the part of the House, to act with such committee as might be appointed on the part of the Senate, to wait upon his Excellency, the Governor, and inform him of the organization of the two Houses, and their readiness to receive any communication from him, report that they have performed the duties assigned them, and received for answer that he will make a communication in writing in twenty minutes, to the two Houses.

The annual communication of his Excellency, the Governor, was handed in at the Speaker's Chair, by C. C. Clay, jr. his Private Secretary, and then he withdrew; which communication is as follows:

EXECUTIVE DEPARTMENT, } TUSCALOOSA, June 13, 1837. }

FELLOW CITIZENS OF THE SENATE, AND HOUSE OF REPRESENTATIVES:—

At the period of your last adjournment, our State, and our country, generally, were in the enjoyment of almost unequalled prosperity. The planter had, for several preceding years, received most liberal and encouraging prices for our staple. Our merchants, and all others engaged in trade, had made, and were still receiving, large profits. Every department of business had flourished, and the enterprising and industrious, of all classes, had been abundantly rewarded. Then, and for some time afterwards, almost universal credit and confidence prevailed. No one anticipated, and no one was prepared for the overwhelming reverse, which was so speedily to follow. We all now see, and feel, the general prostration of credit and confidence, which has been produced by a few short months. All calculation has been baffled and disappointed, and we are forced to realize that the planter, who was but the other day prosperous and happy, and the merchant who was buoyant with hope, and apparently well founded expectations of wealth and security, are now involved in pecuniary liabilities, from which it is impracticable, immediately, to extricate themselves.

It is not universally true, that to know the cause of a disease is also to comprehend the means of cure; yet, it may not be wholly unprofitable, to recur to the source of our present difficulties, and embarrassments.—Were it ever proper, this is no time to indulge in any want of frankness. There is no doubt, in my opinion, that the very inception of the insupportable pressure, which now afflicts us, may be found in a redundant circulation. Banks, and Banking capital, and Bank issues and accommodations, had accumulated, and been extended immensely beyond their former number and amount. In consequence, *money* became *too abundant* and *too cheap*, and every thing else rose far above its intrinsic value. Appearances of prosperity were imposing, flattering and deceptive; inasmuch, that many who had before been distinguished for a prudent caution, fell into error, and the prevailing false estimate of the worth of property. The merchant was misled by an erroneous appreciation of the available capital of the country, and extended his purchases

and his credit inordinately. The planter was induced, by the delusive hope of continued high prices for our staple, to make purchases of land and negroes at the most exorbitant rates. The confident expectation was indulged, that, while the increase of the manufacture, and consumption of that staple, kept pace with the increase of its production, there would be no decline of prices; and many of those, who had most credit and enterprise, have become most deeply involved.

Under these discouraging circumstances, as was reasonably to be expected, many of our fellow citizens began to search out and devise expedients. They held numerous public meetings, to deliberate on the evils, by which they were surrounded, and their appropriate remedies.—A very large majority of those who met for this purpose, directed their attention to the Legislature, and fixed their hopes upon the assembled wisdom of the State. Whilst waiting for developments, and pausing for the indications of public sentiment—the power of the Executive to convene the Legislature being limited to “extraordinary occasions”—the *run* upon our banks became so universal, as to furnish new evidence of the loss of public confidence; and, on the 10th of May, the Branch of the State Bank at Montgomery, found it necessary to suspend the payment of specie. So soon as this intelligence reached the seat of government, I felt assured the pressure on our other Banking institutions would greatly increase and that a general suspension would probably soon follow. Hence, I no longer doubted, it had become my imperative duty, to call you together, with all convenient despatch. Results have shown how well founded were my apprehensions. On the 12th ultimo, all the Banks in Mobile ceased to redeem their notes in specie; and by the 25th, inclusive, every Bank in the State had suspended.

I am not amongst the number, if there be any, who believe the country can be immediately legislated out of difficulties. But, much as we feel our inability to disentangle ourselves by a single effort, and rise, at once, above our misfortunes, there is no cause for despair. Our agricultural resources are not only abundant, but inexhaustible; and under the control of a people, distinguished for intelligence, skill and industry. It must, however, in the nature of things, require *time and assiduity, to create means, and economy and prudence in their application*, to extricate us from the pecuniary embarrassments, which now oppress, and bear us down. Time, with patience, perseverance and discretion, will conquer all our difficulties; and, in due season, reinstate us in the comfortable enjoyment of a proud independence. It has been truly said that “adversity teaches wisdom.” May we not derive encouragement from the reflection, that the lesson now taught us will inspire us with a more discreet judgment, and prudent forecast, hereafter?

The position which our Banks have been thus compelled to assume, presents for your consideration questions of the deepest interest to the State. The Constitution declares, “in case any Bank or Branch Bank shall neglect, or refuse to pay, on demand any bill, note or obligation, issued by the corporation, according to the promise therein expressed, the holder of any such note, bill, or obligation, shall be entitled to receive and recover interest thereon, until the same shall be paid, or specie payments are resumed by said Bank, at the rate of twelve per cent. per annum, from the date of such demand, *unless the General Assembly shall sanction such suspension of specie payments*, and the General Assembly shall have power, after such neglect, or refusal, to adopt such measures as they may deem proper, *to protect and secure the rights of all concerned, and to declare the charter of such Bank forfeited.*”

The first question which presents itself is, whether the Legislature should “sanction the suspension of specie payments?” The framers of the Constitution obviously acted on the presumption that contingencies might happen to render a suspension justifiable, else they would never have confided to the General Assembly the discretionary power to sanction such a step. Upon the question whether such contingencies have occurred, I entertain no doubt. Similar institutions from one end of the Union to the other have been compelled to pursue the same course.—Every new suspension increased the general panic, and confirmed and rendered more universal the previously existing want of confidence.—The alternative, distinctly presented, was *to suspend, or submit to be drained of every dollar of specie*—some to be carried out of the Country, some to be hoarded up, and some to be used for the oppression of the community. It is believed the Banks generally are safely secured in all, or the greater portion of the debts due them, and some (it is hoped most) of them have sufficient specie to resume regular operations whenever the crisis shall have passed, and confidence is restored. In the meantime, it will be in their power, in cases of indispensable necessity, to minister to the relief of those who might otherwise be subjected to a ruinous sacrifice of property. Besides, our paper currency is as sound, and entitled to as high credit, as that of any other State in the Union. With these views, and such information as I possess in regard to the management of the several Banks, I do not hesitate to recommend your sanction of the suspensions which have taken place, and that you adopt such regulations, as to the time, and manner, in which the Banks shall resume specie payments, leaving to the several Boards of Directors such reasonable discretion, as may seem expedient.

The propriety of restraining the Banks from excessive issues of paper will also be apparent, as one of the regulations, indispensable to preserve the value and soundness of our currency, as well as to hasten the resumption of specie payments.

The Constitution having delegated to you the power, amongst others, “to declare the charter of such Bank (suspending specie payments) forfeited,” every such institution in the State has become subject to Legislative control. You can either declare the charter of any one, or more of them, forfeited, or you can impose such new regulations and restrictions, as you may think proper. In the exercise of this discretionary power, you will doubtless deem it advisable to place yourselves in possession of all the information, necessary to a safe determination. The power of the

Commissioners, authorised to be appointed by the Executive, to make examination of the several Banks, and Branches, is limited to the "two months immediately preceding the *annual* meeting of the General Assembly:" Consequently, no report of that description can be expected at the present session. But the several Banks have been requested to present statements for your consideration, to be sustained by examinations of gentlemen of known intelligence and respectability, and will no doubt pursue that course. The Legislature having this unlimited control over the Banks, and having been invited to assemble before any proceeding in the Courts could take place, I thought it unnecessary to give any notice to the solicitors of the Circuits, in which they are respectively situated, or to direct any movement against them in the nature of a *quo warranto*.

The general suspension of specie payments, at once, suggested the idea of relief from the existing pressure in a mode, which had not before been contemplated, and which would probably be more extensively efficient, than any other, heretofore suggested. It is thought the debtors to the Banks will compromise much the larger portion of those, who have sufficient property, but are embarrassed beyond their present means. If the suspensions should receive your sanction—the Banks being no longer bound to redeem their notes on presentment, or subject to any penalty for failing to do so—there will not be the same necessity for coercing payment from their debtors. So far as concerns the debts due to the State Bank, or its Branches, no *constitutional* obstacle to its indulgence is presented. Persons who owe those Banks are, in fact, the debtors of the State, which may, of course, give time at discretion, as much as individual creditors. The two Banks, in which there are private stockholders, would no doubt fall into any plan of this kind required of the others, but being subject to a forfeiture of their charters, if you think proper so to *declare*, they may be required to grant like terms to their debtors, as one of the conditions upon which they may be permitted to retain their Banking privileges. If this course should be adopted, none could reasonably expect, or ought to be embraced, without furnishing most ample security, of such description, and in such manner, as you may in your wisdom prescribe—either real or personal, or both.

It is not presumable that our Banks can resume specie payments, with the ability to sustain themselves, before the cotton crop of the present year can get to market and be sold; and this cannot take place, much short of twelve months. It has therefore occurred to me that it might be proper to authorise the Banks to continue their suspensions for that period. The debts due to them might be divided, according to their amount, into *two or three annual instalments*, if desired. Small debts might be divided into *two* instalments, whilst larger ones should probably be divided into *three*. The *first* instalment should be made payable sufficiently in advance of the period fixed for resumption, to place the Banks in funds, before that event is required to take place. It is confidently believed that this course would be consistent with the ultimate safety of the Banks, and that all their debtors, who are solvent, may in this manner, be relieved from measures of immediate coercion, discharge their liabilities, and retain their property.

The principal modes of alleviation which have been proposed, by the various public meetings, are the issuance of State bonds, or Post notes by the Banks, payable at long dates. Such has been the unanimity, with which the former more particularly, has been urged, that I feel it my especial duty to present the plan, with a candid expression of my own views.

The proposition in regard to State-bonds, originally contemplated their being made redeemable *twenty years* after date and bearing interest at the rate of *six per centum*, payable semi-annually. I am pleased to find, however, that this plan, on more mature reflection, seems to have been modified by general consent, as to the time of redemption, and the rate of interest. Upon the first suggestion, I thought, if such a measure were resorted to, at all, it should be made merely temporary—to meet, and pass off with the crisis—and not engrafted permanently on our established system of policy.

It appeared to me there were insuperable objections to the creation of a debt of *eight or ten* millions, to hang over the State for 20 years, to relieve a sudden pressure, that might cease to exist in three, or four years at farthest. Again, I could not believe bonds, bearing an interest of six per centum; likely to find purchasers or command money, at their par value—knowing as I did, that a large proportion of the five per cent. bonds, issued under a law of the session before last, had been in market ten or twelve months, and remained unsold.

If relief should be sought through the medium of State Bonds, the most plausible mode, in my opinion, which has been suggested, is to *lend* or *sell* them to no one, except to be used for the payment of debts; to make them redeemable in *four or five* years, bearing interest at the rate of 8 per cent. per annum, payable semi-annually, to let 20 per cent of the aggregate of the principal be payable annually by the State; and *twenty-five per cent.* at the same periods by the borrowers.—The bonds might be drawn by annual instalments on their faces, or in distinct sums payable at the expiration of one, two or more years. On this plan, it will be perceived, the borrowers would be obliged to pay, annually, five per cent more of the principal than the State; and if the State should be bound to pay the whole amount in five years, the borrowers would be required to extinguish the debt to the State in one year less. To ensure punctual payments, besides personal security, liens might be taken on unincumbered real estate to double the amount; and the bond or obligation be given the force and effect of a judgment, upon which execution should issue in default of paying the instalment falling due on any part thereof. As such a measure would be merely intended to relieve the debtor class, and not as any part of our system of Banking, the State would not, perhaps, expect or desire a profit: but to cover the expense, incident to the preparation of the bonds, the borrower might be required to pay the half of one per centum, at the time of the loan.

It is believed that a large portion of the monied capital of the country has been withdrawn from circulation, and hoarded up, for want of confidence in Banks, as well as individuals, and that securities of this undoubted character, bearing a fair rate of interest, would unlock this capital, and bring it again into active usefulness. It is also maintained that such bonds would serve as a medium of exchange, paying the debts due from our merchants, in the commercial cities, and enabling them to extend indulgence to their numerous debtors. If there be reasonable assurance that these benefits would result from the measure proposed, it is certainly worthy of adoption—the State having adequate guaranty of indemnity. No good reason can be perceived for withholding the aid, or protection of the State, to individual citizens, if it can be afforded without loss, or injury to the public interest. If, however, as some apprehend, such bonds would not answer the purpose of exchange, but would depreciate in value far below their nominal amount, and become a mere commodity of traffic and speculation, they would fall short of the desirable object in view, and might operate prejudicially to the credit of the State. At all events, if issued, the amount might be much more limited than was proposed, in the first instance, and before the payment of specie was suspended; and be used only as auxiliary to the relief which may now be afforded through the Banks.

The principal of interposing the credit of the State for individual benefit, or convenience, did not originate with the present exigency; though it is so far modified as to *loan* state bonds, instead of *selling* them, and instead of lending State Bank bills. It is substituting paper of the State of a different form from that in common use, for like purposes. The State Bank and its four Branches are the exclusive property, and have been almost entirely founded on the credit of the State. Much the larger portion of Capital employed in them has been obtained by the *sale* of State bonds. Every bill issued by any of those Banks derives its value and usefulness from the pledged faith and credit of the State: consequently, every individual, who borrows bills emitted by any of them, is permitted to avail himself of the credit of the State, to sustain his own, or pay his debts. Without the lights of experience, and feeling a just diffidence in my own judgment, I have endeavored to present the subject fairly in all its bearings, and must refer to the question, of the project proposed, to your more enlightened determination.

The idea of post notes, payable at distance days, appears to be justly abandoned. To issue a large amount of them would, I think, inevitably give us a depreciated currency, and probably affect the credit of our Banks injuriously. No measure having those tendencies can be adopted with safety or propriety.

From an intimation given in a former part of this communication, you will not be surprised when I express my conviction, that an increase of Banking Capital, at present, is not a feasible or suitable mode of relief. It would, perhaps, be impracticable at this period of universal pressure, to extend the Capital or number of our State Banks, on the plan heretofore pursued. The large amount of five per cent bonds, issued to increase the Capital of the State Bank, and its Branches, and to pay the State Stock in the Bank of Mobile, which could not be disposed of, during the prosperous times of last year, and which still remains unsold, shows, conclusively, that any attempt to raise Capital in that mode, would be abortive—and no other has been suggested. And, were it deemed expedient to charter a private Stock Bank, whence could individuals obtain *gold or silver, to pay in half the Capital Stock subscribed for*, as required by the Constitution, when the vaults of almost every Bank in the Union are closed, and commercial confidence is prostrated?

I regret to find that some are disposed to re-charter the Bank of the United States, as a remedy for existing evils. It is due to candor and my own sense of duty, to say emphatically, that, in my opinion, "the remedy would be worse than the disease." I am opposed to such a measure, and equally averse to the establishment of any other Bank on the same principles. The Bank of the United States did not prevent the commercial revulsion of 1819, it did not avert the pressure of 1825; nor, (though it is still in operation with a slight addition to its name, with the same capital, and perhaps as many *agencies* as it had *Branches*,) has it arrested or cured the afflicting distresses of 1837. In common with the other Banks, it has been forced to prolong its existence by suspending specie payments.

Independently of the absence of any express warrant in the constitution, for the grant of such a charter by Congress, I believe the tendency of such a Bank is alike dangerous to the purity and stability of our institutions. We have but recently seen its capacity to do evil. We have witnessed its sudden expansions and contractions of accommodations; its intermeddling with elections and political affairs; its corrupting influence over the press; its refusal to pay over the public funds, and setting the Officers of the Government at defiance; its menaces, through its friends, of civil war and revolution; its power to excite dismay and panic in the very midst of prosperity and shake our institutions to their very foundations. Its recharter would perpetuate its power. Shall we be induced by mere pecuniary embarrassments, which are temporary in their nature, to adopt an expedient we have found so full of danger, hazard the permanency of the best government ever devised; and jeopard the freedom of prosperity? I know it is too natural for those who are struggling with difficulties which threaten to overwhelm them, to lay hold on any remedy which may seem to promise relief; but I trust and believe, the enlightened freemen of Alabama, will be found guarding their rights and safety with ceaseless vigilance, and repelling with inflexible firmness, every attempt, open or insidious, to subject them to the power of a monied corporation.

It is gratifying to perceive amongst our fellow citizens, of all classes, that high toned moral feeling, unmoved by adverse circumstances, and that paramount regard for the principles of our con-

stitution, which have been evinced in all their discussions and deliberations upon the pressure of the times. So far from suggesting or recommending as a remedy, any measure tending to "impair the obligation of contracts," or to "make any thing but gold and silver coin a tender in payment of debts," they have uniformly repelled any such inference, by the most express and unequivocal disclaimers. The universal object appears to be to devise the means of alleviating pecuniary distress, without impeding the regular operation of the laws, or of the judicial tribunals.—With such avowals, and a consistent regard for the salutary constraints of fundamental law, confidence in the good faith and credit of the State, as well as of her citizens, individually, must not only remain unimpaired, but be confirmed and augmented. I trust it will ever be the proud boast of Alabama, that whatever dangers may threaten, or evil overtake us, her honor and integrity shall forever remain untarnished.

I would respectfully call your attention to the law regulating elections for representatives to Congress. As it now stands, the Sheriffs of the several counties composing each district, are only required to "meet on the third Monday in September, next after each election," to examine and compare the polls, and make out the requisite certificate of the result. To enable our representatives to arrive at the seat of the General Government on the first Monday in September, when Congress is required to assemble by the President's proclamation, it will probably be necessary for the returning officers to meet, for that purpose, as early as the 16 or 17th of August. A change of the law to that effect, so far as regards the ensuing election, will be indispensable to give the State her representation in the House, at the commencement of the session.

Two instalments of the sum payable to the State, under the act of Congress, entitled "an act to regulate the deposits of the public money"—amounting in the aggregate to \$446,057 86—have been received by the Treasurer, and certificates of deposit issued therefor, in conformity to the provisions of the act passed at your last session, entitled "an act to authorise the Treasurer to receive that portion of the revenue of the United States, allotted to this State."

This being a special meeting of the Legislature, induced by extraordinary causes, to which I have adverted, and considering the season unfavorable to a protracted session, or long continued deliberations, I have thought it proper to pass by many subjects of interest which might, otherwise, have been submitted.

The exigency of the occasion is calculated to call forth our best energies. The situation of our country demands our united counsels, and most zealous exertions—disregarding less important matters of controversy. Not doubting that an enlightened liberality will preside over your deliberations, I most devoutly trust the results of your labors may surpass the most sanguine expectations of our constituents, in restoring confidence, prosperity and happiness. C. C. CLAY.

Ordered that one thousand copies thereof be printed for the use of this House.

Mr Speaker laid before the House the record and proceedings had in the circuit court of the county of Dallas, containing the decree of said court, divorcing Rebecca Beaty, from her husband Ezekiel A. Beaty; which was read and ordered to lay on the table.

Mr Evans introduced the following resolution: Resolved, that the following standing committees be appointed for and during the present session, to wit: A committee on Privileges and Elections; on Ways and Means; on the Judiciary; on the State Bank; on Education; on Military Affairs; on Proposition and Grievances; on Roads, Bridges and Ferries; on Inland Navigation; on County Boundaries; on Divorce and Alimony, and on State Printing. Mr Davis of A. moved to amend by adding thereto, "and a committee on the present condition and embarrassment of the State during the term of the present session." Mr Ellis moved to lay the resolution and amendment on the table; which was lost. The amendment was then adopted. Mr Erwin moved to amend by adding thereto the following: "A committee on Enrolled Bills and a committee on Accounts." Mr Oliver moved to amend the amendments by adding thereto the following: "A committee on Rail Roads;" which was carried. The resolution as amended was then adopted, and the House adjourned until to-morrow at 10 o'clock.

TUESDAY; June 13.—A message was received from his Excellency, the Governor, by C. C. Clay, his Private Secretary; which is as follows:

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, June 13, 1837. }

TO THE GENERAL ASSEMBLY:

I have to inform you that during your recess, I have appointed P. T. Harriss, judge of the first judicial circuit; Ezekiel Pickens, judge of the second; Peter Martin, judge of the third; Daniel Cole.

man, judge of the fourth; Anderson Crenshaw, judge of the sixth; Samuel Chapman, judge of the seventh, William D. Pickett, judge of the eighth, and Eli Shortridge, judge of the ninth; to fill vacancies which had occurred by resignations in said circuits, respectively.

I have also appointed Henry T. Scruggs, to be judge of the county court of Sumter; James Bett, to be judge of the county court of Dallas; Lewis Wyette, to be judge of the county court of Marshall, and John T. Harraway, to be judge of the county court of Lauderdale, to fill vacancies occasioned by the resignation of the late incumbents in said several counties.

I have received a communication from the Hon. John McKinley, resigning his seat in the Senate of the United States, a copy of which is herewith presented.

The Hon. Arthur F. Hopkins, resigned his office as judge of the supreme court on the sixth inst. and I have not thought proper to fill the vacancy, as you were to assemble at so early a day.

At the request of the respective Chief Magistrates of those States, I have the honor to present herewith certain resolutions, adopted by the Legislatures of New Hampshire, Vermont and Maryland, together with reports and resolutions of the Legislatures of Maine and Georgia.

I also lay before you, for your consideration, a communication from Major General Macomb, U. S. A. accompanied by a system of tactics, prepared under his supervision, by Captain Cooper, for the use of the militia. From the cursory examination, I have been enabled to give this work, I am inclined to believe that it would conduce greatly to the discipline amongst our citizen soldiers, if brought into general use.

C. C. CLAY.

Mr Campbell moved to lay the message, together with all the accompanying documents, (except the resolutions from the Legislature of the State of Vermont) on the table; which was carried.

Mr Payne offered the following resolution, Resolved, that the resolutions transmitted to this Assembly by the Governor of Vermont, is an insolent and impertinent interference with matters which do not concern them, and as such will not be acted upon by this House; and that the Governor be requested to return to the Governor of Vermont, the resolutions from that State, together with this resolution. Mr Campbell moved to postpone the resolution offered by Mr Payne, until Monday next. Mr Erwin moved to postpone the resolution offered by Mr Payne, together with the resolutions therein mentioned, till the first Monday in November next; which was lost. The question recurred on Mr Campbell's motion; which was lost. Mr Campbell moved to refer Mr Payne's resolution, together with those of the Legislature of Vermont, to a select committee; which was carried: Whereupon Messrs. Payne, Campbell and Ellis, were appointed said committee.

A message was received from the Senate by Mr Childress, their Assistant Secretary: Mr Speaker—The Senate have adopted the following resolution: Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall, to-day at twelve o'clock, for the purpose of electing a judge of the supreme court, to fill the vacancy occasioned by the resignation of A. F. Hopkins Esq.; which was concurred in.

On motion of Mr Campbell, Resolved, that so much of the vote of yesterday as provided for the appointment of a committee in relation to the embarrassments of the community be reconsidered.

On motion of Mr Calhoun, Resolved, that the Senate be now invited to assemble forthwith, in the Representative Hall to go into the election of a supreme court judge.

The Senate then repaired to the Hall of the House of Representatives, and took their seats. The Hon. John J. Ormond alone being in nomination and having received one hundred and fourteen votes, that being the whole number given, Mr Speaker declared him duly elected judge of the supreme court, for the time specified by law.

Mr Speaker laid before the House, a report of the President *pro tem* of the Planters and Merchants Bank of Mobile. Mr Davis moved to lay the report on the table; which was carried.

Mr Speaker laid before the House a report from the Cashier of the

Branch of the Bank of the State of Alabama at Mobile, and the report of the President of the Bank of the State of Alabama; which were severally read and laid on the table.

On motion of Mr Campbell, Resolved, that a special committee of eighteen members, (two from each judicial circuit,) be appointed by the Speaker of the House of Representatives, to confer with a committee on the part of the Senate, to which shall be referred all questions in relation to the embarrassments that exist in the pecuniary condition of the citizens of this State, the policy to be adopted in relation to the State Banks, the payment of interest upon the State Bonds, and measures for the relief of the community, with leave to report by bill or otherwise.

Mr Priest introduced a bill for the relief of purchasers of the land at the Land Office at Courtland; which was read the first time, and the constitutional rule being suspended, it was read the second time forthwith, and referred to a select committee, consisting of Messrs. Priest, Posey and Abernathy.

Mr Campbell moved to reconsider the vote taken on the adoption of a resolution heretofore adopted, requiring the Speaker of the House to appoint a special committee, consisting of eighteen members; two from each judicial circuit in this State, to act jointly with such committee as may be appointed on the part of the Senate, to take into consideration, and to whom shall be referred, all questions in relation to the embarrassments that exist in a pecuniary condition of the citizens of this State, the policy to be adopted in relation to the State Banks, the payment of interest upon the State Bonds, and measures for the relief of the community, with leave to report by bill or otherwise; which was carried. Mr Campbell moved to amend the same, by adding the word "Speaker," after "the;" which was carried. The resolution was then adopted: Whereupon Messrs. Campbell, Everett, Saunders, Calhoun, Eiland, Ellis, Erwin, Posey, Skinner, Smith, Lindsay, Henderson, Beauchamp, Shields, Williams, Davis of A. Hammonds and Mitchell, were appointed said committee.

Mr Crabb introduced a bill, to amend an act entitled an act to amend and consolidate the laws on the subject of public roads, approved, December 23d, 1836; which was read the first time. Mr Calhoun moved to lay the bill on the table; which was carried. Yeas 49, nays 36:

The yeas and nays being desired, those who voted in the affirmative are Messrs. Speaker Abernathy Aldridge Allen Alston Baker Barron Beauchamp Calhoun Campbell Christian Clough Cottrell Eiland Evans Everett Greening Gordon Harrison Henderson Horton Hutchings Jones Kelly Leftwich Lindsay Martin May McClanahan of M. McClanahan of S. McCord McHenry Mitchell Nelson Owen Patton Priest Reneau Saunders Shields Slaughter Smith of M. Smith of W. Spruill Turner Ward Williams of P. Wright and Wynn.

Those who voted in the negative, are Messrs. Berry Boyd Boykin Carmack Cobb Crabb Davis of A. Davis of M. Dent DeJarnett Ellis Erwin Frazier Frierson Gage Gann Hammond Johnson King Mallard McDavid McMillion Moore Oliver Payne Perryman Posey Puckett Scott of J. Scott of M. Simmons Skinner Snodgrass Taylor Warren and Williams of B.

The House then proceeded to the election of an Engrossing Clerk; Charles J. Cummins, Daniel Peyton, A. R. Thompson and W. P. Williamson being in nomination.

Those who voted for Mr Cummins, are Messrs. Abernathy Alston Baker Barron Boykin Christian Clough Cottrell Crabb Dent Ellis Erwin Gage Horton Kelly Lindsay McClanahan of S. McHenry Mitchell Moore Owen Patton Payne Posey Puckett Saunders Shields Simmons Skinner Slaughter Smith of M. and Smith of W. 33 votes.

Those who voted for Mr Peyton, are Messrs Speaker Allen Booker Boyd Boykin Carmack Davis of M. Eiland Gann Gordon Hammond Henderson Jones' Leftwich Mallard McClanahan of M. McCord Nelson Oliver Perryman Priest Reneau Scott of M. Spruill Taylor Ward Warren Williams of B. William of P. and Wynn. 28 votes.

Those who voted for Mr Thompson, are Messrs. Beauchamp Campbell Davis of A. Evans Frierson Harrison and Martin. 7 votes.

Those who voted for Mr Williamson, are Messrs. Aldridge, Berry Cobb DeJarnett Everett Frazier Greening Hutchings Johnson King May McDavid, McMillion Scott of J. Snodgrass and Wright. 16 votes.

Neither one of the gentleman having received a constitutional majority, the House then proceeded to a second balloting. Mr Thompson being withdrawn.

Those who voted for Mr Cummins, are Messrs. Abernathy Alston Baker Barron Boykin Campbell Christian Clough Cottrell Crabb Dent Ellis Erwin Frierson Gage Horton Kelly Lindsay May McClannahan of S. McHenry Mitchell Moore Owen Patton Payne Perryman Posey Puckett Saunders Shields Simmons Skinner Slaughter Smith of M. Smith of W. and Ward. 37 votes.

Those who voted for Mr Peyton, are Messrs. Speaker Allen Beauchamp Boyd Calhoun Carmack Davis of A. Davis of M. Eiland Evans Gann Gordon Hammond Harrison Henderson Hutchings Jones Leftwich Mallard Martin McClannahan of M. McCord Nelson Oliver Priest Reneau Scott of J. Scott of M. Spruill Taylor Warren Williams of B. Williams of P. and Wynn. 34 votes.

Those who voted for Mr Williamson, are Messrs. Aldridge Berry Everette Frazier Johnson Greening King McDavid McMillion Snodgrass Turner and Wright. 13 votes.

Neither of the gentlemen having received a constitutional majority—Mr Williamson being withdran; the House then proceeded to a third balloting.

Those who voted for Mr Cummins, are Meessrs. Abernathy Alston Baker Barron Boykin Campbell Christian Clough Cobb Cotirell Crabb Dent Ellis Erwin Everett Frierson Gage Greening Horton Kelly Lindsay May McClannahan of S. McHenry Mitchell Moore Owen Patton Payne Perryman Posey Puckett Saunders Shields Simmons Skinner Slaughter Smith of M. Smith of W. Wardand Wright. 40 votes.

Those who voted for Mr Peyton, are Messrs Speaker Aldridge Allen Beauchamp Berry Boyd Calhoun Carmack Davis of A. Davis of M. Eiland Evans Frazier Gann Gordon Hammond Harrison Henderson Hutchings Johnson King Leftwich Mallard Martin McClanahan of M. McCord McDavid McMillion Nelson Oliver Priest Reneau Scott of J. Scott of M. Snodgrass Spruill Taylor Turner Warren Williams of B. Williams of P. and Wynn. 43 votes.

Mr Peyton having received a majority of the whole number of votes given, Mr Speaker declaaed him duly elected Engrossing Clerk, was qualified and entered upon the discharge of the duties of his office, and the House adjourned till to-morrow morning 9 o'clock.

Wednesday, June 14.—In pursuance of a resolution heretofore offered and adopted by the House, Mr Speaker submitted the names of the following gentlemen, as members of the different standing committees, to wit:

The committee on the Judiciary.—Messrs. Smith of M. Ellis, Frierson, Campbell, Calhoun, Owen, Posey, Crabb, Boykin, Lindsay, Scott of J. Alston and Cottrell.

On Ways and Means.—Messrs. Posey, Horton, Slaughter, Simmons, Scott of J. Frierson, Beauchamp, Davis of A. Eiland and Boyd.

On Education.—Messrs. Ellis, Campbell, Calhoun, Oliver, Taylor, Williams, Erwin, Simmons, Booker, Barron and McMillion.

On Rail Roads.—Messrs. Erwin, Shields, Saunders, Owen, Everett, Dent, Williams of B. Cobb and Abernathy.

On Military Affairs.—Messrs. Everett, Crabb, Leftwich, Slaughter, Hutchings, Frizier, Henderson, Pledger and Dent.

On Privileges and Elections.—Messrs. Shields, Boyd, Booker, Nelson, Gordon, Kelly, Carmack, Allen and Greening.

On Proposition and Grievances.—Messrs. Payne, Gage, Wynn, Reneau, Evans, Spruill, Nelson, Davis of M. Smith of W. and Taylor.

On Inland Navigation.—Messrs. Oliver, DeJarnett, McHenry, Carmack, Aldridge, Gordon, Baker, Puckett and Wynn.

On Enrolled Bills.—Messrs. Campbell, Saunders, Smith of W. McCord, McDavid, Jones and Harrison.

On Roads, Bridges and Ferries.—Messrs. Skinner, Berry, Christian, Andrews, Clough, Mallard, Henderson, Perryman and Priest.

On Lands for Internal Improvement.—Messrs. Calhoun, McClannahan, Frazier, Patton, Pledger, Warren, Martin, Horton, Carmack and Barron.

On Divorce and Alimony.—Messrs. Alston, McClannahan of S. Mitchell, Snodgrass, Berry, Johnson and Cobb.

On the State Bank.—Messrs. Moore, Patton, Cobb, Kelly, Shields, Gage, Scott of J. Oliver, Henderson and May.

On Accounts.—Messrs. Frierson, Greening, Smith of W. Hutchings, Warren, Evans, Simmons and Wright.

On Public Printing.—Messrs. Carmack, Frierson and Everett.

On State Capital.—Messrs. Dent, Williams of B. May and Wright.

Accounts were presented by Messrs. Reneau, Payne, Crabb and Scott, which were severally read and referred to the committee on accounts.

Mr Baker presented the petition of sundry persons who were purchasers of the University lands, in the county of Franklin, praying an extension of time on the payment of said lands; which was read and referred to a select committee, consisting of Messrs. Baker, Abernathy and Payne.

Mr Erwin presented the proceeding had in the county of Marengo, on the trial and conviction of a slave named Clark, for a capital offence; which was read and referred to the committee on ways and means.

Mr Payne presented the petition of Nathaniel Daniel, praying the emancipation of a certain slave therein mentioned. Mr Spruill moved to lay the petition on the table; which was carried.

Mr Moore introduced a bill to amend an act entitled an act to establish a branch of the bank of the State of Alabama at Huntsville, in the county of madison, and to increase the capital stock of the branch of the bank of the State of Alabama at Decatur, passed, January 10th, 1835; which was read the first time. Mr Berry moved to postpone the further consideration of the same, until the first day of December next; which was lost. The bill was then ordered to a second reading on to-morrow.

Mr Calhoun introduced a bill to prevent the institution of illegal and oppressive suits in the United States Courts in this State, which was read the first time, and ordered to a second reading on to-morrow.

Mr Crabb introduced a bill to authorise the Bank of the State of Alabama and its branches to circulate bills or notes of less denomination than five dollars, which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr Gage, Resolved, that the judiciary committee be instructed to enquire into the expediency of so amending the law now in force in this State so as to require that the Sheriffs, Coroners or Constables, who may have levied on lands or negroes to satisfy any executions in their hands, shall advertise the sale of the same in one or more newspapers which may be published nearest the place of sale, with leave to report by bill or otherwise.

Resolved, that the judiciary committee be instructed to enquire into the expediency of so amending the law in relation to debtors who attempt to take the benefit of the act for the benefit of insolvent debtors, as to allow the creditor of such insolvent, to contest the same before a jury, in the event said insolvent shall not render a faithful schedule of his estate—and if the jury shall determine that said insolvent has acted fraudulently towards his creditors, that he shall then be precluded from any benefit under said act, with leave to report by bill or otherwise.

Mr Everett introduced a bill to alter and amend the charter of the Merchants' Insurance Company of Mobile, which was read the first time and ordered to a second reading on to-morrow.

Mr Crabb introduced a bill to repeal in part an act therein named—Mr. Alleh moved to lay the bill on the table, which was carried.

Mr Priest, from the select committee, to whom was referred the bill for the relief of purchasers of lands at the Land Office at Courtland, reported the same back without amendment—Mr Posey moved to lay the report and bill on the table, which was carried.

Mr Speaker laid before the House a statement from the President of the Bank of Mobile in relation to the condition of said institution—Mr Everett moved to lay the report on the table, which was carried.

Mr Speaker also laid before the House the report of the Cashier of the branch of the Bank of the State of Alabama at Huntsville, in relation to its situation—ordered that said report be laid on the table.

On motion of Mr Spruill, the House took up for consideration the message of his Excellency the Governor.

On motion of Mr Spruill, Resolved, that so much of the Governor's message as relates to the Banks of the State of Alabama, be referred to the committee on the State Bank.

On motion of Mr. Spruill, Resolved, that so much of the Governor's message as relates to the bill regulating the election of members to Congress, be referred to the committee on privileges and elections.

Ordered, that so much of the Governor's message as relates to the embarrassed condition of the citizens of this State be laid on the table.

On motion of Mr Erwin, Resolved, that so much of the Governor's message as relates to the re-charter of the Bank of the United States be referred to a select committee—whereupon, Messrs Erwin, Smith of M.; Everett, Ellis, Campbell, Calhoun and Posey, were appointed said committee.

Mr Ellis introduced a bill, which was read the first time and ordered to a second reading on to-morrow.

The House resolved itself into a committee of the whole, to take into consideration the resolutions heretofore offered by Mr Campbell in relation of the embarrassments of the citizens of this State, and made the special order of this day, Mr. Calhoun in the chair: and after some time spent in the consideration of the subject, Mr Speaker resumed the chair; and Mr chairman, from the committee of the whole House, reported that the committee of the whole, to whom was referred the resolutions relating to the embarrassments of the State, had had the same under consideration, and had adopted them, and recommend their adoption by the House.

And then the House adjourned till 4 o'clock P. M.

Evening Session, June 14th, 1837.—The House resumed the consideration of the question in relation to a concurrence in the report of the chairman from the committee of the whole. Mr Everett called for the previous question, which was sustained. The main question being then put, was carried, and the report concurred in. Mr Campbell then moved to fill the blank in the fifth resolution with the word "eighteen," and after the word member to insert "two from each Circuit," which was carried—a division of the question being called for, the question was then taken on the adoption of the first resolution, which was carried. The question was then taken on the adoption of the second resolution, which was carried. The question was then taken on the third resolution, which was carried. The question was then taken on the adoption of the fourth resolution, which was carried. Yeas 51, Nays 33.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Abernathy Alston Andrews Baker Barron Bates Beauchamp Calhoun Campbell Clough Cottrell Davis of A. DeJarnett Eiland Erwin Everett Frazier Gage Greening Gordon Harrison Henderson Horton Johnson Jones King Leftwich Lindsay Martin May McDavid Moore Oliver Owen Patton Payne Perryman Pledger Puckett Reneau Scott of J. Scott of M. Shields Simmons Slaughter Smith of M. Smith of W. Spruill Turner Williams of P. and Wright, 51.

Those who voted in the negative, are Messrs. Speaker Aldridge Allen Berry Boyd Carmack Christian Cobb Crabb Davis of M. Dent Ellis Evans Frierson Gann Hammond Hutchings Kelly Mallard McClannahan of M. McClannahan of S. McMillion Mitchell Nelson Posey Priest Saunders Skinner Snodgrass Taylor Ward Warren Williams of B. and Wynn, 33.

The question was then taken on the adoption of the fifth resolution, which was carried.

A message was received from the Senate by Mr Connor their Secretary.

Mr Speaker: The Senate have postponed until the 1st Monday in August next, the resolution from the House of Representatives proposing to appoint a joint committee to which shall be referred all questions in relation to the pecuniary embarrassments of the citizens of this State, the policy to be adopted by the State Banks, the payment of the interest on State Bonds, &c. Ordered, that said message lie on the table.

A message was received from his Excellency the Governor by C. C. Clay, jr. his private Secretary.

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, June 14th, 1837. }

TO THE GENERAL ASSEMBLY:

I have to inform you that during your recess, I have appointed Herndon L. Henderson, Judge of the County Court of Butler county, to fill the vacancy occasioned by the resignation of the late incumbent.—This appointment was accidentally omitted in my communication of yesterday.
C. C. CLAY.

Ordered, that said message lie on the table.

Mr Speaker laid before the House a statement from the President of the Branch of the Bank of the State of Alabama at Montgomery, and also a statement from the President of the Branch of the Bank of the State of Alabama at Decatur, in relation to the condition of said Bank, which were severally read, and on motion of Mr Scott of M., Ordered, that 2000 copies of all the reports now made to this House from the distant Banks be printed.

And then the House adjourned until to-morrow morning 9 o'clock.

Thursday, June 15th, 1837.—In pursuance of resolutions adopted by this House expressive of the opinions of the members thereof in relation to the principles that will govern its proceedings on the subject of relief, and requiring the Speaker to appoint a committee of eighteen members, to consist of two members from each Judicial Circuit. Mr Speaker submitted the names of the following members to act as said committee, to wit: Messrs Campbell Everett Saunders Calhoun Eiland Ellis Erwin Posey Skinner Smith Lindsay Henderson Beauchamp Shields Williams Davis of A. Hammond and Mitchell.

Accounts were presented by Messrs Hammond, Calhoun and Taylor, which were severally read and referred to the committee on accounts.

Mr Crabb presented the account of Merriman Pounds, which was read and referred to a select committee consisting of Messrs Crabb, Frazier and McMillion.

Mr Evans presented the petition of John D. Curtis and others, praying for certain relief therein mentioned, which was read and referred to the committee on State Printing.

Mr Shields presented the petition of sundry citizens of Marengo county, praying to have an election precinct established at Dayton, in said county, which was read and referred to the committee on privileges and elections.

Mr. Skinner presented the petition of sundry citizens of Franklin county, praying to have a company beat established with a less number of privates than forty, which was read and referred to the committee on military affairs.

Mr. Wright introduced a bill to authorise a company beat therein named,

to be composed of a less number of privates than forty, which was read the first time—Mr. Frazier moved to lay the bill on the table which was lost.

The bill was then ordered to a second reading on to-morrow.

Mr. Posey introduced a bill to prohibit the importation of slaves into this State for sale or hire, which was read the first time and ordered to a second reading on to-morrow.

Mr. Payne presented a preamble and resolutions adopted by sundry citizens of Sumter county on the subject of relief, which was read and referred to the select committee of eighteen, raised for that subject by Mr. Campbell's resolution.

Mr. Eiland presented the petition of sundry citizens of Perry county, on the subject of relief, which was read and referred to the committee of eighteen raised for that subject by the resolution offered by Mr. Campbell, and heretofore adopted by this House.

Mr. Erwin called up the message of his Excellency the Governor, and on motion of Mr Erwin, Ordered, that so much thereof as relates to the embarrassed situation of the country be referred to the select committee of eighteen raised on that subject.

On motion of Mr Payne, the vote taken on refusing the petition by him presented to this House from sundry citizens of Sumter county was reconsidered. The petition was then referred to the select committee to whom was referred that part of his Excellency the Governor's message in relation to that subject.

Mr. Payne presented the petition of sundry citizens of Sumter county, expressive of the sense of a meeting on the subject of the Pennsylvania Bank, which was read and referred to the select committee of eighteen, raised by the resolutions offered by Mr Campbell for the purpose of taking into consideration the subject of relief.

Mr Payne presented a preamble and resolutions expressive of the sense of a meeting of sundry citizens of Sumter county. On motion of Mr Payne, Ordered, that so much of said resolutions as refers to the Pennsylvania Bank be referred to the committee on the State Bank, and the subjects contained in the balance of said resolutions, be referred to the select committee of eighteen, raised on the subject of relief by Mr Campbell's resolution.

Mr Payne presented the proceedings of a public meeting in Jamestown, Sumter county. On motion of Mr Payne, Ordered, that so much of said subject as relates to the embarrassed condition and situation of the country be referred to the select committee of eighteen, raised on that subject. On motion of Mr Payne, Ordered, that so much of said subject as relates to the United States Bank, be referred to the select committee on that subject. On motion of Mr Payne, Ordered, that so much of said subject as relates to the Pennsylvania Bank and the specie circular, be referred to the committee on the State Bank.

The following message was received from his Excellency the Governor, by C. C. Clay, jr. his private secretary.

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, June 15th, 1837. }

TO THE GENERAL ASSEMBLY:

I herewith lay before you a communication from the officers representing the several Banks in this State, now in this place, together with "Exhibits" of their state and condition, in October, 1836, and in June, 1837.

C. C. CLAY.

On motion of Mr Calhoun, ordered that the documents accompanying the above message be referred to the select committee of eighteen, raised by the resolution offered by Mr. Campbell, with power to have two thousand copies printed.

On motion of Mr Patton, Resolved, That the committee on the State Bank and Branches, be instructed to inquire into the expediency of remitting damages on protested bills of exchange, purchased by said banks; and report to this house, by bill or otherwise.

On motion of Mr Moore, Resolved, That the committee of eighteen, raised for the purpose of considering the distressed condition of the State, be instructed to inquire into the expediency of granting indulgence to the debtors who may have become purchasers of the sixteenth sections of this State, on condition that they pay the interest promptly, and secure the purchase money beyond the probability of loss, to the townships respectively; with leave to report by bill or otherwise.

On motion of Mr. Dent, Resolved that the committee on the State Bank be requested to inquire into the expediency of changing the mode of compensating bank attornies, by giving to each an annual sallary instead of the mode of compensation now allowed by law; with leave to report by bill or otherwise.

On motion of Mr. Eiland, Resolved, That, with the concurrence of the Senate, the two houses proceed, on Saturday next, at 12 o'clock, to elect Circuit Court Judges for the first, second, third, fourth, sixth, seventh, eighth and ninth circuits of this State.

Mr Owen introduced a bill to divorce Polly Berry Dunbar from her husband, John Dunbar, which was read the first time, and the constitutional rule being suspended, the bill was read a second time forthwith, and referred to the committee on Divorce and Alimony.

On motion of Mr. Frierson, ordered that the Clerk be, and is hereby required to record the vote of Mr Frierson in the negative, on the question taken on the adoption of the fourth resolve in the resolutions offered by Mr Campbell.

On motion of Mr DeJarnett, ordered that the Clerk be and is hereby required to record the vote of Mr DeJarnett in the affirmative, on the question taken on the adoption of the fourth resolve in the resolutions offered by Mr Campbell.

Mr Aldridge offered the following resolution—Resolved, that in the opinion of this house, it is inexpedient to legislate upon any other subject except that special business for which the legislature has been convened. Mr Erwin moved to lay the resolution on the table, which was carried.

Mr Davis of A. offered the following resolution: Resolved, That the committee on the State Bank be instructed to inquire into the expediency of requiring by law the several banks of this State to pay specie for their five dollar notes when presented, for the purpose of procuring change for the ordinary shopping and marketing purposes. Mr Calhoun moved to lay the resolution on the table, which was carried. Yeas 47, nays 37:

The yeas and nays being desired, those who voted in the affirmative are Messrs Abernathy, Alston Andrews Baker Barron Bates Beauchamp Berry Calhoun Carmack Clough Cottrell Davis of M. Dent Eiland Evans Everett Greening Henderson Horton Hutchings Jones Kelly Leftwich Lindsay Martin M'Clanahan of S. M'Million Mitchell Moore Nelson Oliver Owen Patton Payne Pledger Posey Priest Puckett Reneau Saunders Simmons Skinner Slaughter-Smith of M. Smith of W. and Spruil—47.

Those who voted in the negative are Messrs Speaker Aldridge Boyd Boykin Campbell Christian Cobb Davis of A. DeJarnett Ellis Erwin Frazier Gage Gann Gordon Hammond Harrison Johnson King Mallard May M'Clanahan of M. M'David M'Henry Perryman Scott of J. Scott of M. Shields Snodgrass Taylor Turner Ward Warren Williams of B. Williams of P. Wright and Wynn—37.

On motion of Mr Campbell, Resolved, That the committee on the State Bank; be instructed to inquire into the expediency of relieving the Bank of Mobile and the Planters' and Merchants' Bank of Mobile from the forfeit-

ure incurred by their failure to pay specie for their bills, and to report, by bill or otherwise, such amendments to the charter of said institutions as a condition for the remission of the forfeiture, as will guard the interests of the community.

On motion of Mr. Priest, Resolved, that the committee on the State Bank be instructed to inquire into the expediency of so changing the manner of bringing suits for the collection of bank debts as to require the same to be brought in the county in which the makers of said debts, or a majority of them, may reside; with leave to report by bill or otherwise.

Mr Horton offered the following resolution: Resolved, That the committee of eighteen, raised for the purpose of considering the embarrassed condition of the country, be instructed to inquire into the expediency of requiring the directors of the State Bank and its branches to remit such damage or damages that has been paid or may be due to said bank or its branches on all bills that have been protested since the first day of February last; with leave to report by bill or otherwise. Mr. Davis of A. moved to lay the resolution on the table, which was carried.

Mr Payne offered the following resolution, Resolved, That the door-keeper be authorised to procure five copies of Aikin's new Digest for the use of this house; which was rejected.

Mr Carmack introduced a bill to regulate patrols in the county of Lauderdale; which was read the first time, and made the order of the day for a second reading on to-morrow.

Mr Gordon introduced a bill to appoint an additional surveyor in the county of Henry; which was read a first time and made the order of the day for a second reading on to-morrow.

Mr Baker, from the select committee to whom was referred a petition from sundry citizens of Franklin county, praying for relief on the purchase of University lands, reported a bill for the relief of the purchasers of University land, which was read the first time, and made the order of the day for a second reading on to-morrow.

Mr Mallard introduced a bill to establish an election precinct therein named; which was read the first time and made the order of the day for a second reading on to-morrow.

Mr Bates presented the petition of sundry citizens of the city of Mobile and its vicinity, praying to have certain election precincts therein mentioned established, which was read and referred to the committee on privileges and elections.

On motion of Mr. Puckett, Resolved, that the committee on the judiciary be instructed to inquire into the expediency of requiring the banks to sue the parties to bills of exchange in one action, so as to exempt the parties from the payment of more than one bill of cost; and report by bill or otherwise.

On motion of Mr Gordon, Resolved, that the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the store house of Blackshear & Hutson in the county of Henry.

The house then proceeded to the consideration of the orders of the day. The bill to prevent the institution of illegal and oppressive suits in the United States courts, in this State, was read the second time and referred to the judiciary committee.

The bill to authorise the Bank of the State of Alabama and its branches to circulate bills or notes of a less denomination than five dollars, was read the second time and referred to the committee on the State Bank.

The bill to amend an act entitled an act to establish a branch of the Bank

of the State of Alabama at Huntsville, in the county of madison, and to increase the capital stock of the branch of the Bank of the State of Alabama at Decatur, passed January 10th, 1835, was read the second time and referred to the judiciary committee.

The bill to alter and amend the charter of the merchants' Insurance Company of mobile, was read the second time and referred to the judiciary committee.

And then the House adjourned until to-morrow morning 9 o'clock.

Friday, June 16th, 1837.—A message was received from the Senate by Mr Childress, assistant secretary.

Mr Speaker: The Senate have adopted the following resolution: Resolved, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall on monday next, at 12 o'clock, for the purpose of electing a Senator to the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. John McKinley, in which they ask the concurrence of the House of Representatives. Mr Payne moved to amend by adding after the word "McKinley," the words "and a Judge of the County Court of Sumter county," which was carried. Mr Greening moved to amend by adding after the word "Sumter," where it occurs in said amendment, the word "Dallas," which was carried. Mr Patton moved to amend by adding after the word "Dallas," the word "Lauderdale," which was carried. Mr Aldridge moved to amend by adding after the word "Lauderdale," the words "and marshall," which was carried. The resolution as amended was then adopted. Ordered, that the same be sent to the Senate for their concurrence.

On motion of Mr Shields, leave is granted to the select committee of eighteen on the subject of the embarrassed condition of the country, to set during the session of the House.

Mr Alston, from the select committee, to whom was referred the bill to divorce Polly Berry Dunbar from her husband, reported the same without amendment, and recommended its passage. The bill was then considered as engrossed, and read the third time and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The following message was received from the Senate, by Mr Childress their assistant secretary.

Mr Speaker: The Senate have passed bills of the following titles, viz: "An act to incorporate the Springfield male and Female Academy." "An act to authorise the citizens of Cahawba to elect a constable, in which they ask the concurrence of the House of Representatives.

The bill from the Senate to incorporate the Springfield male and Female Academy was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith, and made the order of the day for a third reading on to-morrow.

The bill from the Senate to authorise the citizens of Cahawba to elect a constable, was read the first time and made the order of the day for a second reading on to-morrow.

Mr Abernathy presented the petition of the Directors of the Tuscumbia, Courtland and Decatur Rail Road Company, asking the privilege of issuing small notes under the denomination of five dollars, payable and redeemable by the Bank notes of the State, which was read and referred to the committee on the State Bank.

Mr Boykin presented the account of James Holloway, of Dallas county, which was read and referred to the committee on accounts.

On motion of Mr Cottrell, Resolved, that the committee on privileges and elections be instructed to enquire into the expediency of establishing an election precinct at Bradley's store, in the county of Talladega—also one at the house of Holman F. Simmons, in said county.

On motion of Mr Boykin, Resolved, that in the opinion of this House, the present deranged condition of the University of Alabama, requires that the Trustees of that Institution, should convene at as early a day as practicable, to take into consideration its affairs, and to adopt those measures best calculated to promote its prosperity; and that the Governor be requested to transmit forthwith a copy of this resolution, to each of the Board.

On motion of Mr Berry, Resolved, that the committee on the State Bank be instructed to enquire into the expediency of so dividing that part of the public revenue which is appropriated to the State of Alabama, in the Bank of the State of Alabama and its several branches, each to receive in proportion to their capital stock, with leave to report by bill or otherwise.

On motion of Mr Cobb, Resolved, that the committee on the State Bank be instructed to enquire into the expediency of so regulating the State Bank and its different branches, as to apportion the amount of discounts to the different counties according to representation, with leave to report by bill or otherwise.

On motion of Mr Moore, Resolved, that the committee on the State Bank be authorised to examine and correct the reports of the Banks of this State before the same are printed, with such explanatory remarks as will render said reports more easily understood.

On motion of Mr Greening, Resolved, that the committee on the judiciary be instructed to enquire into the expediency of suppressing the evil practice of carrying secret weapons, with leave to report by bill or otherwise.

On motion of Mr Payne, Resolved, that the committee on privileges and elections be instructed to abolish a precinct at Wideman's mill, and to establish one at Gaston, in Sumter county.

On motion of Mr Turner, Resolved, that the committee on privileges and elections be instructed to enquire into the expediency of establishing an election precinct at the house of John Maddox, in the county of Benton, with leave to report by bill or otherwise.

Ordered, that Mr Carmack be discharged from serving on the committee on State printing.

The House then proceeded to the consideration of the orders of the day: A bill to authorise a certain company therein named, to be composed of a less number of privates than forty, was read the second time, and on motion of Mr Wright, Ordered, that the bill lie on the table.

The bill to prohibit the importation of slaves into this State for sale or hire, was read the second time and referred to the judiciary committee.

The bill to regulate patrols in the county of Lauderdale was read the second time, and on motion of Mr Carmack, the bill was referred to a select committee consisting of the delegation from Lauderdale county. On motion of Mr Patton, Ordered, that Messrs Dent and Wynn be added to said committee.

The bill to appoint an additional surveyor in the county of Henry, was read the second time and ordered to be engrossed, and made the order of the day for a third reading on to-morrow.

The bill for the relief of the purchasers of the University land, was read the second time and referred to the committee on education.

The bill to establish an election precinct therein named, was read the second time and referred to the committee on privileges and elections.

And then the House adjourned till 4 o'clock, P. M.

Evening Session, 4 o'clock, June 16th, 1837.—Mr Crabb offered the following resolution: Resolved, that the select committee of eighteen on the embarrassed condition of the pecuniary affairs of the State, be instructed to enquire into the expediency and sufficiency of the following plan for the relief of the citizens of this State, to wit:

1st. Sanction the suspension of specie payments, and to authorise its continuance until the Legislature shall otherwise direct.

2nd. To direct an indulgence of the present debtors of the several State Banks for a limited time, upon ample real or personal security, or both.

3rd. To direct liberal accommodations by the Banks to the citizens not already indebted, or but little indebted to them, in proportion to their need and ability to repay—and the ability of the Banks to make loans within the limits of their respective charters, and with reference to the state of their vaults and general condition.

4th. To authorise a remission of damages upon equitable principles, incurred by parties to bills of exchange drawn in good faith, and predicated upon real transactions.

5th. To require the banks to purchase what is termed business paper, payable and negotiable at either of the banks.

6th. To require the several banks to circulate bills of less denominations than five dollars; and,

7th. To require that the circulation of the several State Banks shall be taken reciprocally by them on deposit, and in payment of all debts due them in payment of all dues to the State, to the Trustees of the University, to the sixteenth sections, or to the county Treasuries; with instructions to report by bill or otherwise.

Mr Moore moved to amend by adding to the end of the 7th resolution the following preamble and resolution: And whereas, the issuing of State bonds for the purpose of loaning them to their citizens in order to relieve them from pecuniary embarrassment, is an expedient new and untried in its character, and of doubtful policy, and a violation of the spirit if not the letter of the constitution of the United States, which in the tenth section of the first article of the constitution of the United States, declares that no State shall coin money or emit bills of credit. Therefore, Resolved, that said committee be instructed to frame their measures of relief upon the ability of the several banks in this State, to grant relief to our citizens upon the principles of the foregoing resolutions, and not upon issuing of State bonds. Mr Calhoun moved to postpone the further consideration of the amendment until the first Monday in August next; which was carried. Yeas 35, Nays 30.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Speaker Allen Alston Andrews Baker Barron Bates Boykin Calhoun Cottrell Dent Gage Greening Gordon Harrison Horton Jones Martin May McClannahan of S. McHenry McLemore Nelson Oliver Owen Patton Payne Perryman Puckett Reneau Scott of M. Simmons Turner Ward and Wright, 35.

Those who voted in the negative, are Messrs. Abernathy Aldridge Berry Boyd Carmack Christian Cobb Crabb Davis of A. Davis of M. Evans Frazier Frierson Gann Hutchings Kelly Leftwich Mallard McClannahan of M. McMillion McDavid Moore Priest Scott of J. Slaughter Smith of W. Spruill Taylor Warren Williams of B. and Wynn, 30.

So the amendment was postponed until the first Monday in August next, and the resolutions were then adopted.

Mr Patton introduced a bill to authorise the Bank of Alabama, and branch banks at Montgomery, Huntsville and Decatur to discount transaction notes, which was read the first time and made the order of the day for a second reading on to-morrow.

On motion of Mr McClannahan of S., Resolved, that the committee on

privileges and elections be instructed to enquire into the expediency of establishing election precincts, one at the house of L. B. Clarke, and one at James Goggin's in the county of Coosa—and one at the house of Arthur Mullins, in Shelby county.

On motion of Mr McLemore, Resolved, by the House of Representatives of the State of Alabama in General Assembly convened, that by the constitution of the State of Alabama, each county in this State is entitled to at least one member in the House of Representatives. Resolved, that the judiciary committee be instructed to prepare and report a bill giving effect to the above resolution.

Mr. Moore, from the committee on the State Bank, to which was referred the bill to authorise the Bank of the State of Alabama and its branches to circulate bills or notes of less denomination than five dollars, reported the same without amendment and recommended its passage.

Mr Davis of A. moved to amend the same by adding thereto an additional section as follows: "Sec. — And be it further enacted, that the several banks of this State shall be required to redeem all their bills when presented which are under the denomination of three dollars. Mr Cottrell moved the previous question, which was carried. The main question was then put by Mr Speaker, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Posey introduced a bill to prevent the evil practice of fighting with deadly weapons and for other purposes, which was read the first time. Mr Boykin moved to postpone the further consideration of the bill until Monday next, which was lost; the bill was then ordered to a second reading on to-morrow.

On motion of Mr Aldridge, Resolved, that the committee on the judiciary be instructed to enquire into the expediency of further suppressing the evil practice of gambling in this State, with leave to report by bill or otherwise.

Mr Oliver introduced a bill to incorporate the Tallassee bridge company, which was read the first time and made the order of the day for a second reading on to-morrow.

On motion of Mr Nelson, Resolved, that the judiciary committee be instructed to enquire into the expediency of allowing any person to prove twenty dollars of his account by his own oath, where the sum claimed exceeds that sum; with leave to report by bill or otherwise.

And then the House adjourned till 9 o'clock to-morrow.

Saturday, June 17th, 1837.—The following message was received from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate concur in the resolution from the House of Representatives to go into the election of judges for the Circuit Courts of the first, second, third, fourth, sixth, seventh, eighth and ninth judicial circuits of this State on to-day at 12 o'clock. They have also passed bills of the following titles, viz: an act to revive the law incorporating the town of Russellville in the county of Franklin; an act to amend an act to revive the militia laws of Alabama; an act to authorise the issuance and circulation by the several banks and branch banks of this State, of notes under the denomination of five dollars, and for other purposes; in all of which they ask the concurrence of your honorable body.

Mr Speaker laid before the House the claims of Wm. H. Arthur against the State, for monies by him expended in behalf of the State for provisions, &c. supplied by him under the advice of his Excellency the Governor, which was read and on motion of Mr Andrews referred to a select committee consisting of messrs Andrews, Crabb and Slaughter.

The following message was received from the Senate by mr Childress their assistant secretary—mr Speaker: The Senate have passed a bill from the House of Representatives entitled an act to divorce Polly Berry Dunbar from her husband John Dunbar.

Mr Horton presented the petition of sundry citizens of Madison county, praying to have themselves incorporated with certain chartered privileges, which was read and referred to a select committee consisting of messrs Horton, Leftwich and Moore.

Accounts were presented by messrs McLemore, Cobb and Cottrell, which were severally read and referred to the committee on accounts.

Ordered, that mr Barron be added to the committee on accounts.

Ordered, that mr Skinner be added to the committee on military affairs.

The following message was received from his Excellency the Governor by C. C. Clay, jr. his private secretary.

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, June 16, 1837. }

TO THE GENERAL ASSEMBLY:

I have to inform you that I have this day received the resignation of the Hon. Wm. M. Garrow, as Judge of the County Court of Mobile county. [Signed.] C. C. CLAY.

Ordered, that said communication lie on the table.

The bill from the Senate to amend an act to revise the militia laws of the State of Alabama, was read the first time and made the order of the day for a second reading on Monday next.

The bill from the Senate to authorise the issuance and circulation by the several banks and branch banks of this State of notes under the denomination of five dollars and for other purposes, was read the first time, and the constitutional rule being suspended, it was read the second time forthwith, and on motion of mr Crabb the bill was referred to the committee on the State Bank.

The bill from the Senate to revive the law incorporating the town of Russellville in the county of Franklin, was read the first time and made the order of the day for a second reading on Monday next.

Mr Frazier introduced joint resolutions respecting a change in the mode of disposing of the public lands, which was read the first time and ordered to a second reading on Monday next.

Mr Barron introduced a bill to repeal in part an act authorising the election of the President and Directors for the State Bank and its several branches by the Legislature. mr Spruill moved to lay the bill on the table; which was carried.

Mr Aldridge introduced a bill to repeal in part an act entitled fixing the compensation of judges of the Circuit and Supreme Courts, approved December the 23d, 1836. mr Abernathy moved to lay the bill on the table, which was carried. Yeas 45, Nays 23.

The yeas and nays being desired those who voted in the affirmative are Messrs. Speaker Abernathy Allen Alston Andrews Baker Barron Bates Boykin Calhoun Cottrell Crabb Davis of M. Dent Evans Greening Gordon Harrison Horton Hutchings Jones Leftwich Lindsay May McClanahan of S. McHenry McLemore Nelson Oliver Owen Patton Payne Perryman Pledger Puckett Reneau Scott of M. Shields Simmons Slaughter Smith of M. Smith of W. Spruill Warren and Wynn, 45.

Those who voted in the negative, are Messrs. Aldridge Berry Boyd Carmack Christian Clough Cobb Davis of A. Frazier Frierson Gage Gann Hammond Johnson Kelly King Mallard Martin McDavid Moore Priest Scott of J. Snodgrass Turner Williams of B. and Wright, 23.

Mr Smith of m. introduced a bill to allow each of the several counties of Tallapoosa, Russell, Coosa, Chambers, Marshall, Randolph, Macon, DeKalb, Covington and Cherokee, one member in the House of Representatives, which was read the first time and the constitutional rule being suspended, the bill was read the second time forthwith. Mr Johnson moved

to amend the same by adding after the word Covington, wherever it occurs in said bill, the word "Cherokee," which was carried. Mr Kelly moved to strike out the word "Talladega" when it occurs in the bill, which was carried. The bill was then on motion of Mr Scott of m. referred to the judiciary committee.

On motion of Mr Dent, Resolved, that the committee on the State Bank be instructed to enquire whether the usual accommodations have been extended by that institution, particularly during the months of February and March last, and if it should be found that they have not, to enquire into and report the causes thereof—and also to enquire whether or not any causes of action adopted by the Directory of said institution or other cause has produced an unequal or unjust distribution of their accommodations—and further, whether or not the accommodations extended to Directors themselves has been extraordinarily large, compared with their solvency and ability to meet the same, or with the amounts granted to others equally solvent, and as fully entitled to partake in the benefits of the institution—and also to enquire whether or not there has been an unusual and unnecessary number of suits instituted against those indebted to the institution.

Mr McClannahan of S. introduced a bill to authorise the citizens of the town of Rockford in the county of Coosa, to elect a justice of the peace and constable, which was read the first time and made the order of the day for a second reading on Monday next.

Mr Payne introduced a bill to amend the charter of the Gainesville and Narkoeta rail road company which was read the first time, and the constitutional rule being suspended it was read the second time forthwith, and ordered to be engrossed and made the order of the day for a second reading on Monday next.

Mr Frazier introduced a bill to alter and amend the patrol laws now in force in the counties of Jackson, Marshall and DeKalb and for other purposes, which was read the first time, and the constitutional rule being suspended the bill was read the second time forthwith and referred to a select committee consisting of the delegation from the counties of Jackson, Blount and St. Clair.

Ordered, that leave of absence be granted until Monday next to messrs McClannahan of m. Taylor and Williams of B.

Mr Crabb called up the bill to amend an act entitled an act to amend and consolidate the laws on the subject of public roads, approved December the 23d, 1836; the bill was then read the second time. Mr Davis of A. moved to amend by an additional section. The bill and amendment was then on motion of Mr Barron referred to a select committee consisting of messrs Barron, Davis of A. and Crabb.

Mr Davis of A. introduced a bill to change the time of holding the Circuit Courts in certain counties therein named, which was read the first time and the constitutional rule being suspended the bill was read the second time forthwith, and on motion of Mr Davis of A. it was referred to a select committee consisting of one member from each county composing the second judicial circuit.

On motion of Mr Jones, Resolved, that the committee on privileges and elections enquire into the expediency of compelling justices of the peace to qualify returning officers of elections on presentation of the certificate of appointment, with leave to report by bill or otherwise.

On motion of Mr Barron, Resolved, that the committee on the State Bank be instructed to enquire into the propriety of authorising the State Bank to run on notes discounted twelve months with banking interest, and not to require curtailments as they now do, and report by bill or otherwise.

Mr Calhoun called up the record and proceedings in the case of Rebecca Beaty, against Ezekiel A. Beaty for a divorce, which was referred to the committee on divorce and alimony.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill to authorise the Bank of the State of Alabama and its branches to circulate bills or notes of less denomination than five dollars, was read the third time. Mr Scott of m. moved to lay the bill on the table, which was lost. The bill was then passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to appoint an additional county surveyor in the county of Henry was read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The bill from the Senate to authorise the citizens of the town of Cahawba to elect a constable, was read the second time and made the order of the day for a third reading on Monday next.

The bill from the Senate to incorporate the Springfield Male and Female Academy was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill to prevent the evil practice of fighting with deadly weapons, and for other purposes, was read the second time and referred to the judiciary committee.

The bill to incorporate the Tallassee bridge company, was read the second time and referred to the judiciary committee.

The bill to authorise the bank of Alabama, and branch banks at Montgomery, Huntsville and Decatur, to discount transaction notes; was read the second time and referred to the committee on the State Bank.

Mr Bates introduced a bill to extend for a period of ten years, the privilege of Jesse Lot to keep a bridge over Dog river; which was read the first time and made the order of the day for a second reading on Monday next.

Mr Bates introduced a bill for the relief of Theophilus L. Toulmin, late sheriff of Mobile county; which was read the first time, and made the order of the day for a second reading on Monday next.

Mr Alston presented the proceedings of a public meeting of the citizens of Marengo county, on the subject of the pecuniary embarrassments of the country; which was read and referred to the select committee of eighteen on that subject.

Mr Carmack from the select committee to whom was referred the bill to regulate patrols in the county of Lauderdale, reported a substitute; in which report the House concurred. Mr Abernathy moved to amend by striking out "two," where it occurs in the bill, with a view to insert "there," in lieu thereof; which was carried. Mr Patton moved to amend the bill by striking out "one," where it occurs in the bill, with a view to insert "two," in lieu thereof; which was carried. Mr Priest moved to amend the same by inserting after the word "Lauderdale," where it occurs in said bill, the words, "Lawrence, Montgomery, Lowndes and Walker." The bill was then on motion of Mr Patton recommended to the same committee, together with the amendments offered.

Mr Frierson from the committee on accounts to whom was referred the accounts of T. & C. M. Wiley, jailors of Sumter county, and William B. Pattison of Fayette county; reported the same back to the House, as not being properly authenticated, and as such should not be allowed. The report and accounts were then, on motion of Mr Scott of J. ordered to lie on the table.

On motion of Mr Puckett, Resolved, that the Senate be informed that the House is now ready to receive them for the purpose of electing judges of the first, second, third, fourth, sixth, seventh, eighth and ninth judicial circuits.

The following message was received from the Senate by Mr Childress, their assistant Secretary: Mr Speaker—The Senate concur in the amendment from the house of Representatives, to their resolutions to go into the election of a Senator to the Congress, of the United States, and have also amended their amendment, by adding a judge of the county court for Mobile and Butler counties, in which they ask the concurrence of the House of Representatives. Ordered that the said amendments be concurred in.—Ordered that the clerk acquaint the Senate therewith.

The Senate having repaired to the hall of the house of Representatives, and taken their seats.

The two houses then proceeded to the election of a judge of the first judicial circuit: P. T. Harris being alone in nomination, received all the votes given, was declared by mr Speaker duly elected judge of the first judicial circuit.

The two houses then proceeded to the election of a judge of the second judicial circuit: Ezekiel Pickens being alone in nomination, received all the votes given, was declared by mr Speaker duly elected judge of the second judicial circuit.

The two Houses then proceeded to the election of a judge of the third judicial circuit. Peter Martin being alone in nomination, received all the votes given, was declared by mr Speaker, duly elected judge of the third judicial circuit.

The two houses then proceeded to the election of a judge for the fourth judicial circuit: Daniel Coleman alone being in nomination, received all the votes given, was declared by mr Speaker duly elected judge of the fourth judicial circuit.

The two houses then proceeded to the election of a judge of the sixth judicial circuit: Anderson Crenshaw alone being in nomination, received all the votes given, was declared by mr Speaker duly elected judge of the sixth judicial circuit.

The two houses then proceeded to the election of a judge of the seventh judicial circuit: Samuel Champman alone being in nomination, received all the votes given, was declared by mr Speaker, duly elected judge of the seventh judicial circuit.

The two houses then proceeded to the election of a judge of the eighth judicial circuit: William D. Pickett being alone in nomination, received all the votes given, was declared by mr Speaker duly elected judge of the eighth judicial circuit.

The two Houses then proceeded to the election of a judge of the ninth judicial circuit: Eli Shortridge being alone in nomination, received all the votes given, was declared by mr Speaker duly elected judge of the ninth judicial circuit.

The Senate then withdrew, and the House adjourned until Monday morning, 9 o'clock.

Monday, June 19.—Mr Frazier from the select committee, to which was referred the bill concerning patrol duty in Jackson, DeKalb and Marshall counties, reported the same back to the House without amendment, and recommended its passage. mr Gordon moved to amend the same by adding after the word "Marshall," the word "Henry;" which was carried. mr Turner moved further to amend, by adding after the word "Henry," the word "Benton;" which was carried. mr Aldridge moved to add after the word "Benton," the word "Blount;" which was carried. Mr Cobb moved to amend by adding after the word "Blount," the word "St. Clair;" which was carried. mr Leftwich moved to amend by adding after the word "St. Clair," "Madison and Cherokee;" which was carried. mr Christian moved to amend by adding after the word "Cherokee," the words "Bibb, Fayette and Marion;" which was carried. mr Warren moved to amend by adding after the word "Marion," the words "Covington and Dale;" which was carried. mr McClanahan of m. moved to amend by adding after the word "Dale," "Morgan;" which was carried. mr Wynn moved to amend by adding after the word "Morgan," "Limestone;" which was carried. mr Carmack moved to amend by adding after the word,

"Limestone," the words "Dallas, Lauderdale, Lawrence and Walker;" which was carried. Mr Jones to amend by adding after the word "Walker," the word "Butler;" which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Patton from the select committee, to whom was referred the bill to regulate patrols in certain counties therein mentioned, reported a substitute and recommended its passage. Mr Spruill moved to lay the report and bill on the table; which was carried.

Mr Owen presented the account of B. B. Breeden Esq.; which was read and referred to the committee on accounts.

On motion of Mr Dent, Resolved, that the bank committee be instructed to inquire whether any officer or director of the Bank of the State of Alabama has, at any time drawn or caused to be drawn from said bank, specie for its paper, and to what amount. Resolved further, that said committee be instructed to inquire whether the rules adopted by the Board for the disposal of exchange, has been in all cases adhered to; or whether there has been any deviations from the rules so adopted, or attempts by any officer to vary them, so as to give any one individual advantages denied to the community at large, and that they be authorised to examine witnesses.

On motion of Mr Jones: Whereas the pecuniary distresses and overwhelming embarrassments now pervading the whole State, are unparalleled and unprecedented in the history of this Government; and whereas the present state of depression and pecuniary distress, cannot be attributed to the misconduct of our worthy fellow citizens; but to the want of a national medium of exchange; the standard of our circulation; the redundant medium of our sister States, and the complete prostration of our great staple commodity; and whereas the debts contracted before the fall of prices, and the suspension of specie payments, were predicated in the par value of our circulating medium, passed on the faith of the citizens of the State to redeem it: Be it therefore resolved by the House of Representatives of the State of Alabama, that a requirement of gold and silver in the payment of debts contracted before the fall of prices, would be an infringement upon the original consideration of the debtor, destructive of the peace and harmony of the country, and a violation of private faith; which resolution was rejected by the House.

Mr Payne called up the accounts of T. & C. W. Wiley, jailors of Sumter county, and William B. Patterson of Fayette county; which were on motion of Mr Payne recommitted to the committee on accounts. Ordered that Mr Payne be added to the committee on accounts.

On motion of Mr Evans, Resolved, that the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the town of Aberfoil, in Pike county.

Mr Kelly jr. introduced a bill to authorise the Sheriff of Talladega county, to execute all process issued by justices of the peace for said county; which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr Alston, Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law for the protection of the remains of the dead.

Mr. Turner introduced a bill to incorporate the Jacksonville Female Academy, which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith, and the constitutional rule being further suspended, the bill was considered as engrossed and read a third time forthwith, and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr McLemore introduced a bill to repeal, in part, an act to locate the seat of Justice in the county of Russell, and for other purposes, which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith and ordered to be engrossed and made the order of the day for a third reading on to-morrow.

The following message was received from the Senate by Mr. Childress, their assistant secretary: Mr. Speaker, the Senate have passed a bill of the following title, to wit: "An act to compensate persons therein named, in which they ask the concurrence of the House of Representatives."

The bill from the Senate to compensate persons therein named, was read the first time and made the order of the day for a second reading on to-morrow.

Mr Berry introduced a bill to establish certain election precincts and for other purposes, which was read the first time and made the order of the day for a second reading on to-morrow.

Mr Crabb introduced a bill to amend the laws in relation to judicial proceedings, which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith and referred to the Judiciary committee.

On motion of Mr Smith of W. Resolved, That the Judiciary committee be instructed to inquire into the expediency of providing by law that the sheriffs of the different counties of this State, who have been appointed administrators on the estates of deceased persons, be required to continue and make final settlements of such estates.

Mr Johnson introduced a bill to amend an act entitled an act to locate the seat of Justice for Marshall county, approved 23d December, 1836, which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith and referred to a select committee, composed of the delegation from Blount and Jackson counties.

On motion of Mr Kelly, Resolved, that the judiciary committee be instructed to inquire into the expediency of so amending the law in relation to domestic bills of exchange as to make them payable at the counter of the bank where such bills may be purchased.

Resolved, further, that said committee be instructed to inquire into the expediency of so amending the laws in relation to damages accruing on protested bills of exchange as to be no more than on accommodation notes; with leave to report by bill or otherwise.

Mr Owen presented the petition of sundry citizens of Washington county, in relation to the evil of allowing slaves to carry fire arms, &c. which was read and referred to the committee on propositions and grievances.

Mr Posey presented the record and proceedings had in the case of the State of Alabama vs. Dilsey, a negro slave, which was read and referred to the committee of ways and means.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill to amend the charter of the Gainsville and Narketa rail road company was read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The bill from the Senate to amend an act to revise the militia laws of the State of Alabama, was read the second time and referred to the committee on military affairs.

The bill from the Senate to revive the law incorporating the town of Russellville, in the county of Franklin was read the second time and made the order of the day for a third reading on to-morrow.

The bill from the Senate to authorise the citizens of Cahawba to elect

constable was read a third time and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The joint resolution respecting a change in the mode of disposing of the public lands, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to authorise the citizens of the town of Rockford in the county of Coosa, to elect a justice of the peace and constable, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to extend, for a period of ten years, the privileges of Jesse Lot to keep a toll bridge over Dog river, in Mobile county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill for the relief of Theophilus L. Toulmin, late sheriff of Mobile county was read the second time; Mr Patton moved to refer it to a select committee, which was lost: the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Frierson from the committee on accounts, to whom was referred the account of James Holloway, of Dallas county, reported the same back to the House as inexpedient, and ought not to be allowed. Mr. Berry moved to lay the report on the table, which was carried.

Mr Smith of W. from the committee on enrolled bills, reported that they have examined, and find correctly enrolled, a bill "to divorce Polly Berry Dunbar from her husband John Dunbar.

Mr. Owen introduced a bill to amend an act entitled an act to better regulate the returns of the strength of the militia of the State of Alabama: which was read the first time, and the constitutional rule being suspended the bill was then read the second time forthwith, and referred to the committee on military affairs.

On motion of Mr Frazier, Resolved, that his excellency the Governor be requested to place in the hands of the commissioners appointed to revise the militia laws of this State, the system of tactics transmitted to him by Gen. McComb, of the United States army, and by His Excellency laid before this House.

Mr Davis of A. from the select committee to whom was referred the bill to change the time of holding the circuit courts of certain counties therein named, and for other purposes, reported the same as inexpedient, and ask the concurrence of the House. On motion of Mr Barron, ordered that said report lie on the table.

Mr Alston introduced a bill to establish certain election precincts in the county of Marengo which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith, and referred to the committee on privileges and elections.

Mr Horton presented the petition of sundry citizens of Madison county in relation to the erection of a public bridge across Flint river, which was read and referred to the committee on roads, bridges and ferries.

Mr Berry offered the following resolution: Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law in relation to the settlement of estates of deceased persons as not to compel sheriffs to administer thereon, in case the next friend, creditor or nearest of kin should refuse so to do, with leave to report by bill or otherwise; which was rejected.

Mr Frazier offered the following resolution: Resolved, that the committee on the State Bank be instructed to inquire into the expediency of providing by law, immediate relief for persons against whom there are judgments, or where property may be now under execution in favor of the State

Bank and its several branches. Ordered that said resolution lie on the table.

Mr Smith of M. introduced a bill to alter the time of holding the circuit court of Madison county, which was read the first time and made the order of the day for a second reading on to-morrow.

On motion of Mr Wynn, Resolved, that the Senate be informed that the House is now ready to receive them for the purpose of electing a Senator to the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. John McKinley; also, the Judges of the county courts of Butler, Marshall, Sumter, Dallas and Mobile counties; also, a Judge of the county court of Lauderdale county.

The Senate then repaired to the hall of the House of Representatives and took their seats. The two houses then proceeded to the election of a Senator to the Congress of the United States; His Excellency C. C. Clay alone being in nomination.

Those who voted for Mr Clay, are messrs. President Arnold Barclay Beene Borrough Broadnax Burke Devereaux Farrar Fleming Goyne Hill Hudson James Jemison Lea Moore Musgrove Nabors Oliver Rains Rather Riddle Roberts Smith Spann Terry and Wallace of the Senate. messrs. Speaker Abernathy Aldridge Allen Alston Andrews Baker Barron Beauchamp Berry Boyd Boykin Campbell Carmack Christian Clough Cobb Crabb Davis of A. Davis of M. DeJarnett Eiland Ellis Evans Everette Frazier Frierson Gage Gann Greening Gordon Hammond Harrison Henderson Horton Hutchings Johnson Jones Kelly King Leftwich Lindsay Mallard Martin May McClannahan of M. McClannahan of S. McDavid McHenry McLemore McMillion Mitchell Moore Nelson Owen Patton Payne Puckett Reneau Saunders Scott of J. Shields Simmons Skinner Slaughter Smith of M. Smith of W. Snodgrass Spruill Taylor Turner Ward Warren Williams of B. Williams of P. Wright and Wynn. 109 votes of the House.

The Hon. C. C. Clay having received one hundred and nine votes, that being the whole number given, Mr Speaker declared him duly and constitutionally elected Senator to the Congress of the United States, for the term prescribed by law.

The two Houses then proceeded to the election of the Judge of the county court for Sumter county, Henry L. Scruggs alone being in nomination and having received one hundred and four votes, that being the whole number given, Mr Speaker declared him duly and constitutionally elected Judge of the county court of Sumter county for the time specified by law.

The two Houses then proceeded to the election of a Judge of the county court for Dallas county, George R. Evans alone being in nomination, and having received one hundred and three votes, that being the whole number given, Mr Speaker declared him duly and constitutionally elected Judge of the county court of Dallas county for the time specified by law.

The two Houses then proceeded to the election of a Judge of the county court for Lauderdale county, James Haraway alone being in nomination and having received ninety-eight votes, that being the whole number given, Mr Speaker declared him duly and constitutionally elected Judge of the county court for Lauderdale county, for the time prescribed by law.

The two houses then proceeded to the election of a Judge of the county court of Marshall county, Lewis Wyeth alone being in nomination and having received ninety-seven votes, that being the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court for Marshall county, for the time specified by law.

The two houses then proceeded to the election of a Judge of the county court for Butler county, Herndon L. Henderson alone being in nomination and having received ninety-four votes, that being the whole number given, Mr Speaker declared him duly and constitutionally elected Judge of the county court for Butler county, for the time prescribed by law.

The two houses then proceeded to the election of a Judge of the county

court for Mobile county, John F. Everett and Clement C. Bassett being in nomination.

Those who voted for Mr Everett, are Messrs. President, Arnold, Barclay, Borough, Brodnax, Devereaux, Fleming, Hudson, James, Jemison, Lea, Mays, Moore, Musgrove, Oliver, Rains, Rather, Roberts, Smith, Terry and Wallace, of the Senate. Messrs. Speker, Abernathy, Alston, Andrews, Baker, Barron, Bates, Berry, Boykin, Calhoun, Christian, Clough, Cobb, Cottrell, Crabb, Dejanett, Dent, Eiland, Evans, Gage, Greening, Henderson, Horton, Johnson, Jones, Lindsay, Mallard, Martin May McDavid McLemore, Moore, Nelson, Oliver, Owen, Patton, Payne, Perryman, Pledger, Posey, Priest, Puckett, Reneau, Scott of J. Scott of M. Shields, Simmons, Skinner, Slaughter, Smith of M. Smith of W. Spuill, Turner, Ward, and Wright of the House.

Those who voted for Mr. Bassett, are Messrs. Beene, Farrar and Nabors of the Senate. And Messrs. Aldridga, Allen, Beauchamp, Boyd, Carmack, Davis of A. Davis of M. Frozier, Frieron, Gann, Gordon, Hammond, Harrison, Hutchings, Kelly, King, Leftwitch, McClanahan of M. McClanahan of S. McMillon, Saunders, Snodgrass, Warran, Williams of B. Williams of P. and Wynn of the House.

John F. Everett, Esq. having received a majority of the votes given, Mr Speaker declared him duly elected Judge of the county court of Mobile county, for the time prescribed by law.

The Senate then withdrew, and the House adjourned until to-morrow morning 9 o'clock.

TUESDAY, June 20th.—The following message was received from the Senate by Mr Childress, their assistant secretary: Mr Speaker, the Senate have adopted the following Resolution—Resolved, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency C. C. Clay, Governor of the State, to inform him of his election to the Senate of the Congress of the United States. They have appointed on their part Messrs. Hudson, Beene and Terry, in which they ask the concurrence of your honorable body. They have also passed bills which originated in the House of Representatives of the following titles, viz: an act to appoint an additional surveyor in the county of Henry; an act to authorise the Bank of the State of Alabama and its Branches, to circulate bills or notes of less denomination than five dollars. Ordered, that the house concur in the resolution contained in the above message, whereupon Messrs. Moore, Cottrell and Shields were appointed said committee on the part of the house. Ordered that the clerk acquaint the Senate therewith.

Mr Johnson presented the petition of sundry citizens of Morgan county, praying to be attached to Marshall county, which was read and referred to a select committee consisting of two of the delegation from the counties of Jackson, Morgan and Blount.

Mr Snodgrass presented the petition of sundry citizens of Jackson county, asking right to be extended to Thomas Carguile to build a mill on Crow creek in said county, which was read and referred to a select committee composed of the delegation from the county of Jackson.

Mr Smith of M. from the judiciary committee to whom was referred the bill to allow each of the several counties of Tallapoosa, Russell, Coosa, Chambers, Marshall, Randolph, Macon, DeKalb, Covington and Cherokee: one member of the House of Representatives, reported the same with sundry amendments which were concurred in; the bill was then ordered to be engrossed for a third reading on to-morrow.

The same committee to whom was referred the bill to amend the laws in relation to judiciary proceedings, reported the same without amendment and recommended its passage. The report was concurred in, and the bill ordered to be engrossed and made the order of the day for a third reading on to-morrow.

The same committee to whom was referred the bill to prevent the insti-

tution of illegal and oppressive suits in the United States courts in this State, reported the same with sundry amendments as therein shewn, and with the amendments they recommend its passage. The question was first taken on concurring in the first amendment reported by the committee and carried. The question was then taken on concurring in the second amendment reported by the committee which was carried. The question was then on agreeing to the additional section No. 3. reported by the committee. Mr Crabb moved to disagree to that portion of the amendment contained in the additional section, reported by the committee requiring a disclosure by the counsel or attorney of all the facts that may have come to his knowledge, in relation to the ownership of the cause of action, instituted in the federal court. Mr Calhoun moved to lay the bill upon the table and to have it made the special order of the day for to-morrow twelve o'clock, which was carried.

Mr Campbell from the select committee of eighteen, on the embarrassed and pecuniary condition of the country, made the following report:

The select committee to which was referred so much of the message of the Governor as relates to the embarrassed condition of the people of this State, and to which was referred certain resolutions of this House, prescribing the principles upon which the interposition of this state can be made for the relief of its citizens, and the proceeding of meetings of citizens in Perry and Sumter county, have had the whole under consideration and have instructed me to report:

That the papers referred to them contain abundant evidence of the embarrassed condition of the people of this State. It is unnecessary to trace the causes that have led to this embarrassment. The enquiry is not important, except as connected with the remedies which have been proposed for their removal. The great and pervading evil that prevails in our State, and which has prostrated confidence and credit, is the amount of actual indebtedness that exists on the part of our citizens to the banking institution of this State, and the dealers in property and merchandise abroad, compared with the immediate and available resources of our people. The resolutions which were adopted by the House of Representatives, and which were referred to your committee, contain an expression of the opinion that the resources of our people are abundant,—and that their accustomed enterprise, industry and economy, will be sufficient to extricate them from their embarrassments, if time shall be afforded to bring those resources into operation. In this opinion your committee entirely concur—and their enquiries have been principally directed to the end of enabling the debtor to obtain this further extension in the times at which his debts shall become payable,

For this purpose their attention has been directed to the condition of the Banking institutions and their means of affording further loans upon their present capitals. The capital stock of those institutions, amount to \$10,141,806; exclusive of the surplus profits of each year, which has hitherto remained in them and upon which their business has been increased. The debts and liabilities which these institutions owe and have incurred, approach very near the limit imposed in their several charters. That limit was imposed with great deliberation—it has continued through a series of years—it has been imposed upon each institution as it came into existence: and your committee were unanimously of opinion, that the Banks could not transgress it without weakening their ability, wounding their credit, impairing that confidence in their solvency that now exists.

As this subject was one of great interest, and as the conclusions of our committee upon this subject exercised a material influence upon the course of policy to be adopted, they addressed the following questions to the Presidents and committees of Directors, from the several institutions in this State, and which were then assembled at the seat of Government.

1. What should constitute the basis upon which the amount of the circulation of the several Banks should be regulated and governed?

2. From the present condition of the several Banks, to what amount can they safely increase their circulation?

3. What would be the effect upon the safety and prosperity of the Banks, of issuing post notes, running to maturity at twelve months, and bearing an interest of from 4 to 6 per cent. to be loaned out at 8 per cent. on personal or real security; would the Banks be able by the issuance of notes to increase their circulation to any available amount, and to what amount?

The answers to these questions were—

1. That the basis of loans and circulation was the amount of capital stock paid in; that the limits on both were fixed in the charters; and that the Legislature might safely provide for the gradual increase of the specie on hand.

To the second: That the Banks were not in a situation to extend their loans in safety to any material extent; that it was due to the depositors and holders of their notes, to do no act further to depreciate their paper, which would be the consequence of such extension; that in a short time they might purchase bills of exchange based on cotton shipments, to facilitate the sale of cotton.

To the third they answer; that it would be injurious to the best interests of the State and its bank-

ing institutions, for them to issue post notes, payable in twelve months, bearing interest. The banks are totally unable to redeem their paper now in circulation; nor will they be able to do so until they can make collections from those indebted to them. If the debts due the banks are extended it will not be prudent or safe for them to increase their circulation materially. It cannot be expected that the community can depend for relief by new loans from your banks with any prospect of a speedy return to specie payments.

These opinions from a large body of intelligent and practical men, deeply interested in the subject before them, and which opinions are characterised by so much good sense, sound judgment, and regard for the integrity of our institutions, and, of consequence, of the State, your committee felt, were entitled to very great consideration.

Relief to the distressed debtors of our citizens, by means of the banking institutions, operating upon their present capital was now entirely out of the question. Your committee at the same time arrived at the conclusion, that, if the resources of the banks were increased, that relief could be afforded to the citizens; that private credit might revive that individual resources of the country would be invigorated, and at the same time the ability of those institutions would be strengthened and confidence in them completely restored.

Your committee were of opinion that it was not wise or prudent to provide for a permanent addition to the banking capital of the State, even if that were practicable; but the measures which they have directed to be reported, are addressed to the necessities of the present crisis and have no operation but to relieve them. The bills contemplate the raising of money in the same mode that the State has followed to create the capitals of our State institutions. Your committee are satisfied that the bonds of the State, redeemable in short periods, can be negotiated without difficulty; that funds will be realized to supply the vacuum in our banking institutions, or the disproportion between the circulation and the available funds to redeem it, will diminish by permitting the holders of the bills of the banks to make an investment in the stocks of the State. This will afford the banks with the ability to extend indulgence to the present debtors of the banks, without postponing the time for the resumption of specie payments for too long a time for their credit, and for the interest of the State.

Your committee have not adopted the idea of lending, the bonds of this State directly to its citizens. The deference they felt to be due to the scruples of most respectable members of the committee and of the House, and the community forbade such a course; and at the same time, they were convinced that the plan they have recommended is as well adapted to the relief of their suffering fellow-citizens, were in conformity with their accustomed modes of business, and better calculated to foster the favorite institutions of our people.

The committee have provided for the diffusion of the benefits of these measures into every county in the State, and the form of the security is so arranged that no member of the community can be excluded. They have carefully guarded against fictitious valuations of property, and for the changes which time may effect in the estimates of value.

The committee have confined the loans to the amount of capital created, in as much as the measure was one for temporal relief, and not for a permanent addition to the resources of the banks, and have provided for a gradual return to a sound and healthy condition, which is alone suitable to the interest, the prosperity and honor of our State.

In addition to the measures reported for the extension of fresh loans to our people, the committee have directed bills to be reported for indulgencies to the debtors of the banks. These measures your committee feel to be most intimately connected, and that under the proposed plan the banks will be better able to afford that indulgence, and the citizens of the State, who are indebted to the banks, to submit to it with patience. The particular measure of extension your committee will add, was submitted to the convention, composed of the Presidents and Directors of the several banks, and have the satisfaction of reporting that the views of the committee were not in the opinion of that body, injurious to the stability or solvency of those institutions. All of which is submitted.

J. CAMPBELL, Chairman.

Mr Campbell then submitted a bill to be entitled "an act for the relief from the embarrassments of the people of this State, and for other purposes;" which was read the first time, and the constitutional rule being suspended, the bill was then read the second time forthwith. On motion of Mr Moore, ordered that the same be made the special order of the day for to-morrow, eleven o'clock. On motion of Mr Erwin, ordered that one thousand copies of the above report be printed, for the use of the members of this House.

The following message was received from the Senate, by Mr Childress, their Assistant Secretary: Mr Speaker—The Senate have passed bills of the following titles, viz: An act to change the time of holding the circuit courts of Benton, Randolph and Talladega counties; an act to repeal an act entitled an act to locate permanently the seat of justice for DeKalb county, approved, December 16, 1836; in which they ask the concurrence of your honorable body.

Mr Campbell from the select committee to whom was referred a resolu-

tion of this House, directing the enquiry into the expediency of extending relief to the purchasers of the 16th section, upon the specified terms in the resolution, reported that it is inexpedient to legislate on the subject. On motion of Mr Abernathy, it is ordered that the report lie on the table.

Mr Campbell from the same committee to whom had been referred the subject, reported a bill which was read the first time. Mr Campbell moved to lay the report on the table, and also the bill, and have one thousand copies printed.

Mr Campbell moved to adjourned until to-morrow 9 o'clock; which was lost.

The following message was received from the Senate, by Mr Childress, their assistant secretary: Mr Speaker—The Senate have passed a bill of the following title: An act to alter the boundaries of certain counties therein named; in which they ask the concurrence of the House of Representatives: And then the House adjourned till half past three o'clock, P. M.

Evening Session, June 20.—The House resumed the consideration of the bill for the regulation of the Bank of the State of Alabama and its several branches. Mr Campbell moved to postpone the consideration of the bill until Friday next, with the view to make it the special order for that day; which was lost. Mr Shields moved to make it the special order for Thursday next; which was lost. Mr Shields moved to make it the special order of the day for to-morrow at 4 o'clock, P. M.; which was lost. Mr Ellis moved to make it the special order of the day for to-morrow, ten o'clock; which was carried.

The following message was received from the Senate, by Mr Childress, their assistant secretary: Mr Speaker—The Senate have passed a bill of the following title, viz: An act to locate the seat of justice of Cherokee county, and for other purposes; in which they ask the concurrence of the House of Representatives.

Mr Crabb from the committee on the State Bank, to whom was referred the subject, reported a bill to sanction the suspension of specie payments by the Bank of Mobile and the Planters and Merchants Bank of Mobile, and for other purposes; which was read the first time, and on motion of Mr Smith of M. Ordered that the bill lie on the table. Ordered that one hundred and twenty copies be printed for the use of this House.

The same committee to whom was referred the petition of the President and Directors of the Tuscumbia, Courtland and Decatur Rail Road Company, praying the liberty of issuing notes, under the denomination of five dollars, redeemable by this State paper; reported the same back to the House, and asked leave to be discharged from the further consideration of the subject. On motion of Mr Abernathy, ordered that said report lie on the table.

The same committee to whom was referred a resolution in relation to changing the mode of compensating Bank Attornies, reported the same as inexpedient to legislate thereon at the present time. On motion of Mr Crabb, ordered that the report lie on the table.

The same committee to whom was referred a resolution of inquiry into the expediency of so regulating the State Bank and its different branches; as to apportion the amount of discounts to different counties according to representation, reported that it would be inexpedient to make the change; in which report the House concurred.

The same committee to which was referred a resolution of enquiry into the expediency of dividing that part of the public revenue apportioned to the State of Alabama, in proportion to their capital stock; reported a bill to deposit in the Bank of the State of Alabama and the branches at Mo-

bile, Montgomery, Decatur and Huntsville, the money received by this State, by acts of Congress; depositing the surplus revenue; which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith. Mr Oliver moved to amend the same by an additional section. Mr Kelly moved to lay the amendment on the table; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The same committee to whom was referred the bill to authorise the bank and branch banks of Montgomery, Huntsville and Decatur, to discount transaction notes; reported the same without amendment. Mr Moore moved to amend by striking out "five thousand dollars," where it occurs in the bill; which was carried. Mr Moore moved further to amend by striking out, where it occurs in the second section, the following words: "All such discounts shall be for the purpose of paying debts, due to said bank or branches, and that;" which was lost. Mr DeJarnett moved to postpone the further consideration of the bill until the first Monday in August next; which was carried.

Mr Everett from the committee on military affairs, to whom was referred the petition of sundry citizens of Franklin county, reported a bill to form a company of militia with a less number of privates than forty, in the county of Franklin; which was read the first time and the constitutional rule being suspended, was read the second time forthwith, and ordered to be engrossed for a third reading on to-morrow.

Mr Andrews from the select committee to whom was referred the petition of William H. Arther, have had the same under consideration, and instructed me to report a bill; which was read the first time and ordered to a second reading on to-morrow.

Mr Baron from the select committee, to whom was referred the bill to amend an act entitled an act to amend and consolidate the laws on the subject of public roads, approved, December 23d, 1836; reported the same with sundry amendments; which were concurred in. Mr Cottrell moved to amend by adding the words "Lowndes, Pike, Mobile, Butler and Limestone;" which was carried. Mr Abernathy moved to insert "four," after the word "twenty," so as to make the bill read "twenty-four;" which was lost. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Crabb from the select committee to whom was referred the petition of Merriman Pounds, reported a bill to compensate Merriman Pounds for public services; which was read the first time and the constitutional rule being suspended, was read the second time forthwith, and ordered to be engrossed for a third reading on to-morrow.

Mr Horton from the select committee to whom was referred the petition of sundry citizens of New Market, asking an act of incorporation for the town of New Market, reported a bill to incorporate the town of New Market in the county of Madison; which was read the first time and ordered to a second reading on to-morrow.

Mr Wright presented the petition of James Griffin, of Bibb county, which was read and referred to a select committee composed of the delegation from Bibb and Perry counties.

The bill from the Senate to alter the time of holding the Circuit Courts of Benton, Randolph and Talladega counties and for other purposes, was read the first time and the constitutional rule being suspended, the bill was read a second time forthwith. Mr Erwin moved to amend by an additional section, which was carried. Mr Lindsay moved to amend by adding at the

end of the section, "and that the judges of the county courts of Morgan and Mobile may hold their respective courts until all the business is finished," which was carried. Mr Payne moved to amend by adding after the word "Morgan" where it occurs in the last amendment the word "Sumter," which was carried. Mr Erwin moved to amend the caption by adding "and for other purposes," which was carried. The bill was then after suspending the constitutional rule, read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to repeal an act, entitled an act, to locate permanently the seat of justice for DeKalb county, approved Dec. 16, 1836, was read the first time and the constitutional rule being suspended, it was read a second time forthwith and referred to a select committee, composed of the delegation from the counties of Jackson and St. Clair.

The bill from the Senate to alter the boundaries of certain counties therein named, was read the first time, and the constitutional rule being suspended, it was read the second time forthwith and referred to a select committee, composed of the delegation from the counties of Montgomery and Shelby.

The bill from the Senate to locate the seat of justice of Cherokee county and for other purposes, was read the first time, and the constitutional rule being suspended, it was read the second time forthwith. Mr Cobb moved to amend the same by striking out the words "Cedar Bluff" whenever it occurs in the bill with the view to insert "Fort Armstrong" in lieu thereof, which was lost. Mr Davis of A. moved to lay the bill on the table, which was lost. Mr Cobb moved to postpone the further consideration of the bill until the first day of August next, which was lost. The bill was then ordained to a third reading on to-morrow.

Mr Boykin introduced a bill to authorise the commissioners of roads and revenue in the county of Dallas, to allow the judge of the county court of said county a stated salary, which was read the first time and the constitutional rule being suspended, it was read the second time forthwith; and the constitutional rule being further suspended, the bill was considered as engrossed and read the third time forthwith and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Smith of m. called up the engrossed bill to allow each of the several counties of Tallapoosa, Russell, Coosa, Chambers, Marshall, Randolph, Macon, Covington, Cherokee, Talladega and Dale, one member in the House of Representatives; the bill was then read the third time. And then the House adjourned till to-morrow 9 o'clock.

Wednesday, June 21st, 1837.—Mr Calhoun moved to suspend the rules of the House, in order to reconsider the vote taken on yesterday on the passage of the bill to authorise the commissioners of roads and revenue of Dallas county to allow the judge of the county court of said county a stated salary, which motion prevailed, and the vote was reconsidered. The bill was then referred to a select committee composed of the delegation from the county of Dallas.

On motion of Mr Dent, Resolved, that the Revolutionary soldiers now present in this House, or may be during the present session, be invited to take their seats within the bar of this House.

Mr Johnson introduced a bill to authorise James Crutcher and his associates, to open and turnpike a road therein named, which was read the first time and the constitutional rule being suspended, the bill was read the second time forthwith; and the constitutional rule being further suspended,

the bill was read the third time, considered as engrossed and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

On motion of Mr Hammond, Resolved, that the different editors of newspapers who attend in the Hall of the House of Representatives taking item of the proceedings of said House be, and they are hereby requested to publish in the different newspapers the names of the voters given on all bills and matters whatsoever tending to grant relief or indulgence.

Mr Shields introduced a bill to empower the judges of the county court to make partition of lands, which was read the first time and the constitutional rule being suspended, the bill was read the second time forthwith and ordered to be engrossed for a third reading on to-morrow.

Mr Lindsay, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, a bill to authorise the Bank of the State of Alabama and its branches, to circulate bills or notes of a less denomination than five dollars.

Mr Boykin introduced a bill, to repeal in part a certain act therein named and for other purposes, which was read the first time, and the constitutional rule being suspended, it was then read the second time forthwith and referred to the committee on education.

Mr Ellis from the select committee on education, to whom was referred a bill for the relief of purchasers of the University lands, reported the same without amendment. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Smith of W., from the committee on enrolled bills, reported that they had examined and find correctly enrolled, a bill appointing an additional surveyor in the county of Henry.

Mr McLemore introduced a bill to incorporate the Fredonia Male Academy in the county of Chambers, which was read the first time and the constitutional rule being suspended, the bill was read the second time forthwith, and ordered to be engrossed for a third reading on to-morrow.

Mr Ellis introduced a bill for the relief of Meek & McGuire, State printers for the year 1836, which was read the first time and the constitutional rule being suspended, the bill was then read the second time forthwith and referred to the committee on State printing.

On motion of Mr Simmons, Resolved, that the House will receive no new business after Thursday, the 22d inst.

On motion of Mr Crabb, Resolved, That the Governor be requested to communicate to this House any information in his possession in relation to any difficulties which have occurred since the last session of the General Assembly, between the citizens of any portion of this State and any troops of the United States army.

Mr Mitchell presented the account of William Blythe, Sheriff of Talladega county, which was read and referred to the committee on accounts.

Mr Frazier called up from among the orders of the day, the engrossed bill to alter and amend the patrol laws now in force in the counties of Jackson, Marshall, DeKalb, Henry, Benton, Blount, St. Clair, Madison, Cherokee, Bibb, Marion, Covington, Dale, Morgan, Limestone, Lauderdale, Walker, Dallas, Lawrence and Fayette. Mr M'Clannahan of M. moved to amend the bill by inserting after the word 'third' in the first line of the second section the words 'and sixth,' which was carried; the bill was then read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Scott of M. from the select committee to whom was referred a bill

from the Senate to alter the boundaries of certain counties therein named, reported the same without amendment and recommend its passage; the bill was then read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate.

Mr Abernathy introduced a bill to authorise the Tuscumbia, Courtland and Decatur Rail Road Company to issue change bills for circulation, which was read the first time, and on motion of Mr Snodgrass, ordered that the bill lie on the table.

The House then proceeded to the consideration of the bill for the regulation of the Bank of the State of Alabama and its several branches, which was made the special order of the day for this hour. The bill was then read the second time. Mr Hammond moved to amend the same by striking out the word 'suspension' where it occurs in the first section; which was lost. Mr McDavid moved to strike out the words "February, March and April. wherethey occurred in the fourth section of the bill, with the view to insert in lieu thereof, the words "May, June and July;" which was lost; yeas 24, nays 63.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Alldridge Allen Alston Bates jr. Berry Boykin Dent Everett Frazier Gage Herton King Leftwich May McDavid McMillion Mitchell Moore Nelson Oliver Payne Scott of M. Snodgrass and Wright.

Those who voted in the negative are, Messrs. Speaker Abernathy Andrews Baker Barron Beauchamp Boyd Calhoun Campbell Carmack Christian Clough Cobb Cottrell Crabb Davis of A. Davis of M. DeJarnett Eiland Ellis Erwin Evans Frierson Gann Greening Gordon Hammond Harrison Henderson Johnson Jones Kelly jr. Lindsay Mallard Martin McClannahan of M. McClannahan of S. McHenry M'Lemore Owen Patton Perryman Posey Pledger Priest Puckett Reneau Saunders Scott of J. Shields Simmons Skinner Slaughter Smith of M. Smith of W. Spruil Taylor Turner Ward Warren Williams of B. Williams of P. and Wynn.

Mr Lindsay moved to amend the same by inserting after the word 'April next' where it occurs in the fourth section, the words "or in the months of May and June next, at the will of the several Bank Directors;" which was carried. Mr. Payne moved to amend by inserting, after the word 'debt,' where it occurs in the seventh line of the fourth section, the words 'remaining unpaid;' which was carried. Mr Moore moved to amend the amendment, by way of proviso, to come in after the word 'unpaid,' in mr Payne's amendment, as follows: "Resolved, that the bank interest on each instalment shall be paid one year in advance;" which was, on motion, ordered to lie on the table. Mr Davis of A. moved to amend the same by adding, in the fifth line of the fourth section, the same amendments which are added in the fourth line; also, by adding the same amendments in the seventh line, after the word 'April;' which was carried and the amendment adopted. Mr Frazier moved to amend the same by way of proviso, to come in after the word 'debt,' in the 13th line of the fourth section, as follows: "And provided further, that the provisions of this section shall embrace debts due by judgment, and upon application for an extension of the same, the party applying shall pay up the costs due upon such judgments. Mr Calhoun moved to amend the amendment by striking out all after the word "judgment;" which was carried. Mr Erwin moved further to amend the amendment by adding after the words "due by judgment," the following, "rendered since the first day of September, 1836;" which was carried; the amendment as amended was then adopted. Mr Abernathy moved to strike out 'or' in the ninth line of the fourth section with the view to insert in lieu thereof 'on,' which was carried. On motion of mr Erwin the word 'mortgage or' was inserted between the words 'of' and 'trust' in the 11th line of the fourth section. Mr Crabb moved to amend by way of proviso to come in at the end of the fourth section, as follows, "and provided likewise, that an extension of time shall not be given to any individual or copartnership

for a larger amount than thousand dollars, unless in the opinion of the proper directory it shall be necessary to secure the debt; nor shall time be so given on any debt except judgment debts, which became due on or before the first day of December, 1836." Mr Abernathy moved to lay the amendment on the table. And then the *House* adjourned till half past three o'clock P. M.

Evening Session, June 21st, 1837.—The House resumed the consideration of the amendment offered by mr Crabb to the bill for the regulation of the Bank of the State of Alabama and its several branches.

Mr Abernathy's motion to lay the amendment on the table being under consideration, it was carried. Yeas 43, Nays 26.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Abernathy Aldridge Allen Alston Baker Barron Bates jr. Berry Campbell Clough Cobb Davis of A. Davis of M. DeJarnett Eiland Ellis Everett Frazier Gordon Henderson Horton Hutchings Kelly King Leftwich McClannahan of M. McHenry McMillion Moore Mitchell Nelson Patton Payne Priest Puckett Reneau Simmons Skinner Slaughter Smith of M. Snodgrass Turner and Wright.

Those who voted in the negative are Messrs. Beauchamp Boyd Carmack Christian Cottrell Crabb Dent Erwin Gage Gann Hammond Jones Mallard Mays McDavid McLemore Oliver Scott of M. Shields Spruill Taylor Ward Warren Williams of B. and Williams of P.

Mr Abernathy moved to amend the bill by striking out the word "eight" where it occurs in the second line of the fifth section, with the view to insert in lieu thereof the word "six," which was lost.

Mr Barron moved to amend by striking out the sixth section with the view to insert the following in lieu thereof. "Sec. 6. And that all bills of exchange belonging to said banks which have fallen due and been protested since the first day of December last, and upon which damages have been incurred when the person or persons thus under protest shall have paid the damages incurred by such protest, such damages shall be paid back to the person entitled to the same on application, and when the principle, interest, cost and expense of the protest, shall be paid before the first day of March next, the damages upon all such bills shall be omitted; which was carried.

Mr Erwin moved to amend the amendment offered by mr Barron, by way of proviso, to come in at the end of said amendment, which is as follows: Provided, that the damage shall not be remitted on any bill of exchange where the time for the payment of the amount of it shall have been extended under the provisions of the fourth section of this act; which was carried.

Mr Campbell moved to reconsider the vote on the amendment offered by mr Erwin, which was lost.

Mr Crabb moved to amend the amendment offered by Mr Barron by inserting in the eighth line after the word "application," the following: "or if indebted, carry to his or her credit in part payment of such debt." It being precisely 6 o'clock, P. M. mr Scott of m. moved to adjourn the House until to-morrow nine o'clock, which was lost.

Mr Priest moved to strike out the ninth section, which was lost. Mr Patton moved to strike out the tenth section, which was carried. Mr Campbell moved to amend by an additional section, which is as follows: "Sec. —. And be it further enacted, that if any person shall hereafter become indebted to said bank or any of its branches, by bond, bill, note or other contract for the payment of money, and any party to the same shall delay payment of the sum of money that shall be due upon the same, the said Bank and branch Banks shall have summary remedy by motion, as in other cases provided in the charters of the several institutions, which was carried. Mr Crabb moved to strike out the second section, with the view to insert the following: "Sec. 2. And be it further enacted, that the notes, bills and obligations of the Bank of the State and its several branches shall be received by them severally and reciprocally in payment of any debts due to them and to the sixteenth section funds; by the Trustees of the University in payment of debts due to them; by the State Treasurer and other collectors of dues to the State in payment of debts due to the State; by the county Treasurers in payment of all debts due to the counties; and by all officers of the State and of said banks in payment of the salaries, which being under con-

sideration, Mr McLemore moved to adjourn until to-morrow nine o'clock, which was carried.

Thursday, June 22.—Mr Alston presented the memorial of the President of the Linden rail road company; which was read and referred to the committee on rail roads.

A message was received from the Senate by Mr Childress, their assistant secretary: Mr Speaker—The Senate have passed bills which originated in the House of Representatives of the following titles, viz: An act to amend the charter of the Gainesville and Narkeeta rail road company: They also concur in the amendment of the House of Representatives to their bill to be entitled an act to alter the time of holding the circuit courts of Benton, Randolph and Taladega counties, and for other purposes. They have also passed a bill which originated in the Senate of the following titles, viz: An act authorising the Treasurer of the State, to deposit the surplus revenue of the United States, allotted to Alabama, in the bank of the State and its branches; an act for the relief of Nathaniel Alston, late tax collector of the county of Sumter; an act to prohibit the importation of slaves into this State for sale or hire; an act to incorporate the Tallapoosa Academy; an act to incorporate the town of Dadeville, in the county of Tallassee and the State of Alabama; an act to authorise John Anderson and associates to build a toll bridge across the Big Warrior river, in the county of Blount; an act to change for a limited time, the time at which returns are made for the election of members to Congress; in all of which they ask the concurrence of your honorable body.

Mr Campbell presented the petition of the members of the Mobile Chamber of Commerce; which was read and ordered to lie on the table.

Mr Snodgrass presented the petition of Thomas Longacre, praying the privilege to build a mill on Crow Creek, in Jackson county; which was read and referred to a select committee, composed of the delegation from Jackson county.

Mr McLemore presented the proceedings of a public meeting of the citizens of Chambers county, on the subject of rail roads; which was read and referred to the committee on rail roads.

Mr McLemore called up the engrossed bill to repeal in part an act to locate the seat of justice in the county of Russell, and for other purposes. The bill was then read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Smith of m. called up the bill to allow each of the several counties of Tallapoosa, Russell, Coosa, Chambers, Marshall, Randolph, Macon, DeKalb, Covington Cherokee, Talladega and Dale, one member of the House of Representatives, which was read the third time. Mr Scott of m. moved to amend by way of engrossed rider as an additional section thereto, which was carried. Mr Campbell moved to amend by way of engrossed proviso; which was lost. Mr Davis of A. moved to lay the bill on the table; which was lost. The bill was then passed. Yeas 51, nays 26.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Speaker, Aldridge Allen Baker Beauchamp Berry Boyd Carmack Christian Clough Cobb Davis of A. Evans Everett Frazier Gordon Harrison Henderson Hutchings Johnson Jones Kelly jr. King Leftwich Lindsay Martin McClannahan of S. McDavid McHenry McLemore McMillion Mitchell Moore Oliver Owen Patton Perryman Pledger Puckett Scott of J. Scott of M. Skinner Smith of M. Smith of W. Snodgrass Turner Ward Warren Williams of B. and Wright.

Those who voted in the negative, are Messrs. Alston Calhoun Cottrell Crabb Davis of m. Dent Ellis Erwin Frierson Gann Greening Mallard May McClanahan of m. Nelson Payne Posey Priest Reneau Shields Simmons Slaughter Spruill Taylor William of P. and Wynn.

On motion, messrs. Abernathy, DeJarnett, Hammond, Horton and Saunders, were excused.

Ordered that the title be as aforesaid, and the same be sent to the Senate for their concurrence.

The following message was received from his Excellency, the Governor, by C. C. Clay, jr. his private Secretary:

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, June 22, 1837. }

TO THE HOUSE OF REPRESENTATIVES:

In compliance with your resolution of yesterday, I herewith lay before you such information as I have received, officially in relation to difficulties which have occurred since the last session of the General Assembly, between the citizens of this State and troops of the United States army; you will perceive it consists of my correspondence with Captain Morrow and General Wool, who are engaged in the service of the United States, in the Cherokee nation, and with the Secretary of War, in relation to an order issued by General Wool. (signed.) C. C. CLAY.

On motion, it was ordered that said communication, together with the accompanying documents, be referred to a select committee, consisting of messrs. Johnson, Cobb, Frazier, Scott of J. and Crabb.

Mr Everett from the committee on military affairs, to whom was referred a bill from the Senate, entitled an act to amend an act to revise the militia laws of the State of Alabama, reported the same to the House with an amendment; in which report the House concurred. The bill was then read a third time and passed. Ordered that the title be as aforesaid and that the clerk acquaint the Senate therewith.

Mr Boyd from the committee on privileges and elections, to whom was referred sundry resolutions to abolish and establish certain elections precincts, reported a bill to abolish and establish certain election precincts therein named; which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith, and on motion of Mr Crabb, ordered that the bill lie on the table.

The same committee to whom was referred a resolution to enquire into the expediency of compelling justices of the peace to qualify returning officers of elections, reported that it is inexpedient to legislate on the subject at this time; in which report the House concurred.

Mr Moore from the committee on the State Bank, to whom was referred a resolution to enquire into the expediency of so changing the manner of bringing suits for the collection of bank debts, as to require the same to be brought in the county in which the maker or a majority of them, may reside; reported that it was inexpedient to legislate on the subject at the present session. On motion of Mr Davis of A. ordered that the report lie on the table.

Mr Alston from the committee on divorce and alimony, to whom was referred the record and proceedings in a case of Rebeca Beaty, against her husband Ezekiel Beaty, for a divorce; reported a bill to divorce Rebecca Beaty, from her husband Ezekiel Beaty; which was read the first time and ordered to a second reading on to-morrow.

Mr Johnson from the select committee to whom was referred the petition of sundry citizens of Morgan county, praying to be attached to Marshall county, reported that it is inexpedient to legislate on the subject at this time, and asked to be discharged from the further consideration of the subject. On motion of Mr Berry, ordered that the report lie on the table.

Mr Greening from the select committee to whom was referred a bill to authorise the commissioners of roads and revenue of Dallas county, to allow the judge of the county court of said county, a stated salary; reported a bill in substitute of said bill and recommended its passage. The bill was then read the second time, and the constitutional rule being suspended, the bill was considered as engrossed, and read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Lindsay from the committee on enrolled bills, reported that they had examined and find correctly enrolled, a bill to incorporate the Springfield male and female academy, and the bill to divorce Polly Berry Dunbar, from her husband John Dunbar.

Mr Smith of m. called up the bill to alter the time of holding the circuit court of Madison county, the bill was then read a second time and referred to a select committee, consisting of the delegation from the counties composing the fifth judicial circuit.

Mr Turner called up the bill from the Senate to locate the seat of justice of Cherokee county and for other purposes, which was read a third time and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

Mr Abernathy introduced a bill for the relief of the purchasers of the sixteenth section, township four, range six, west, in the county of Lawrence; which was read the first time, and the constitutional rule being suspended, was read the second time forthwith and ordered to be engrossed for a third reading to-morrow.

The House adjourned till half after 3 o'clock P. M.

Evening Session, June 22.—Mr Everett introduced a bill to compensate G. W. Stratham, for apprehending William McGrew, indicted for murder; which was read the first time, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on proposition and grievancies.

Mr Everett introduced a bill to repeal an act entitled an act more effectually to secure the collection of rents in the county of Mobile; which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith, and the constitutional rule being further suspended, the bill was considered as engrossed, and read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Crabb presented the account of James Rather; which was read and referred to the committee on accounts.

On motion of mr McMillion, Resolved, that the committee on the State Bank be instructed to ascertain whether any of the officers of said Bank, have been trading as co-partners, or in any manner concerned in trading in the public funds, dividing profits resulting from trade in negroes, or any other species of property, and that they be instructed to obtain evidence upon the subject, by sending for persons and papers, which may have a tendency to establish the fact, should such exist.

The following message was received from the Senate by mr Childress, their assistant secretary: Mr Speaker—The Senate have passed a bill of the following title, viz: An act to discontinue and establish certain election precincts therein named; in which they ask the concurrence of the House of Representatives.

A message was received from the Senate by mr Childress, their assistant secretary: Mr Speaker—The Senate have passed a bill of the the following title: An act regulating the mode of discounting notes in the Bank of the State of Alabama and its several branches; in which they ask the concurrence of your honorable body.

The following message was received from the Senate by mr Childress, their assistant secretary: Mr Speaker—The Senate have adopted the following resolution, viz: Resolved, with the concurrence of the House of Representatives, that the two committees to which was referred the resolution, directing inquiry into all or any improper conduct, on the part of any officer or director of the Bank of the State of Alabama, be instructed to act jointly in prosecuting said investigation.

The House then resumed the consideration of the bill for the regulation of the Bank of the State of Alabama and its several branches.

The amendment offered by mr Crabb, being under consideration, mr Campbell moved to lay the amendment on the table; which was carried. Yeas 52, nays 30.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Speaker Abernathy Aldridge Allen Alston Andrews Baker Barron Beauchamp Berry Campbell Christian Clough Cobb Davis of A. Davis of M. DeJarnett Ellis Erwin Everett Frazier Frierson Greening

Gordon Harrison Horton Hutchings Johnson King Lindsay Mallard Martin McClannahan of M. McCord Nelson Oliver Owen Patton Pledger Posey Priest Saunders Scott of M. Shields Simmons Slaughter Smith of M. Smith of W. Snodgrass Turner Warren Williams of P. and Wright.

Those who voted in the negative, are messrs. Boyd Boykin Carmack Cottrell Crabb Dent Evans Gann Hammond Henderson Jones Kelly jr. Leftwich May McClannahan of S. McDavid McLenore McMillion Mitchell Moore Payne Perryman Puckett Reneau Skinner Spruill Taylor Ward Williams of B. and Wynn.

Mr Ellis moved to amend the bill by an additional section thereto, as follows, viz: And be it further enacted, with a view to extend relief and accommodation to all the citizens of this State, who are not indebted to said banks, and who are not embraced by the privileges of the 4th section of this act, giving an extension to bank debtors; said banks are hereby required to extend their issues as usual, (so that they do not exceed their chartered limits,) in the discount of accommodation and other paper and at the proper season, in the purchase of bills of exchange, until the first day of May, 1838; from and after which time (if in the opinion of the directors of said banks, the public welfare authorise it,) they shall commence a gradual contraction of their issues, with a view to the resumption of specie payments. Mr Campbell moved to strike out all of the amendment after the enacting clause, with a view to insert and add thereunto sundry other sections, numbered from one to sixteen. Mr Campbell then moved to adjourn until to-morrow, 9 o'clock A. M. it being then fifteen minutes after 7 o'clock P. M. which was carried. And the House adjourned accordingly.

Friday, June 23.—Mr Frazier from the committee, to which was referred the engrossed bill from the Senate, to locate permanently the seat of justice for DeKalb county, having had the same under consideration, reported that said committee were of the opinion the bill ought not to pass, and asked leave to be discharged from the further consideration thereof. Mr Crabb moved to lay the report and bill on the table, which was carried.

Mr Snodgrass from the committee composed of the delegation from Jackson county, to whom was referred the petition of Thomas Longacre, praying the privilege to build a mill on Crow creek, in Jackson county, reported a bill to be entitled an act to authorise Thomas Longacre and Thomas Carguill, to erect mills on Crow creek, in Jackson county; which was read and ordered to a second reading on to-morrow.

Mr Scott of M. presented the account of James E. Belser, for publishing an act to mitigate the penal laws; which was referred to the committee on accounts.

Mr Wright from the select committee to which was referred the petition of divers citizens of Bibb and Perry counties, praying that James Griffin, should be allowed the privileges of a citizen of Perry county, reported a bill to be entitled an act to allow James Griffin the privileges of a citizen of Perry county; which was read, and the rule requiring bills to be read on three several days, being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with, the bill was considered as engrossed, and read a third time forthwith and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Campbell from the committee on the judiciary, to whom was referred a resolution of this House, in relation to suits commenced by the Bank of the State of Alabama and its several branches, in certain cases; reported a bill to regulate the commencement and prosecution of suits in certain cases; which was read the first time, and the constitutional rule being suspended, the bill was then read the second time forthwith. Mr Campbell moved to amend the same, by adding after the word "enacted," where it occurs in the first line of the first section, the words "that the Bank of the State of Alabama and its branches;" which was carried; the constitutional rule being further suspended, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

A message was received from his Excellency, the Governor, by C. C. Clay, jr. his private secretary: Mr Speaker—I am requested by the Governor, to inform your honorable body, that he has this day approved and signed a bill from your House, of the following title, viz: An act to divorce Polly Berry Dunbar, from her husband, John Dunbar.

Mr Posey from the committee on ways and means, to which was referred the records of the conviction and execution of the slave, Clark, the property of Darling S. Massey, and the slave, Dilsey, the property of M. and S. Harkins, reported a bill to provide for the payment of the members of the present General Assembly, and for other purposes; which was read the first time and the constitutional rule being suspended, the bill was then read the second time forthwith, and ordered to be engrossed for a third reading on to-morrow.

A message was received from the Senate by mr Childress, their assistant secretary: mr Speaker the Senate have adopted the following resolution: Resolved, with the concurrence of the House of Representatives, that the two committees to which was referred the resolution directing an inquiry into all or any improper conduct on the part of any officer or director of the Bank of the State of Alabama, be instructed to act jointly in prosecuting said investigation; in which they ask the concurrence of your honorable body. On motion it is ordered that the House concur in the above resolution. Ordered that the clerk acquaint the Senate therewith.

On motion of mr Campbell, Resolved, that the clerk of this House, be authorised to employ such assistance as may be necessary to keep up the journals of this House.

Mr Everett called up the bill for the relief of William H. Arthur, late Quarter Master of General Moore, in the Creek service; which was then read the second time, and the constitutional rule being suspended, the bill was then considered as engrossed, and read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Davis of A. called up the bill to amend an act entitled an act to amend and consolidate the laws on the subject of public roads, approved, December 23, 1836, the bill was then read the third time. mr Clough moved to amend by way of engrossed rider, by adding after the word "Limestone," the following: "and the counties of Macon and Tallapoosa;" which was carried. mr Ellis moved to amend by adding at the end of the first section, the following "except as to the counties named in the second section of this bill;" which was carried. The bill was then read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

On motion of mr Horton, it is ordered, that the committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Madison county, in relation to the building of a bridge on flint river, in said county, is discharged from that duty. Ordered that the same be referred to a select committee, composed of the delegation from the county of Madison.

The bill from the Senate authorising the Treasurer of the State to deposit the surplus revenue of the United States, allotted to Alabama, in the Bank of the State of Alabama and its branches, was read the first time, and the constitutional rule being suspended, the bill was then read the second time forthwith, and referred to the committee on the State Bank.

The bill from the Senate to prohibit the importation of slaves into this State, for sale or hire: was read the first time and ordered to a second reading on to-morrow.

The bill from the Senate to incorporate the Tallassee Academy, was read the first time, and the constitutional rule being suspended, the bill was then read the second time forthwith. mr Aldridge moved to amend the same by adding a proviso, to come in after the word "institution," where it occurs in the fifth line of the second section; which was carried. The bill was then ordered to a third reading on to-morrow.

The House then resumed the consideration of the bill for the regulation of the bank and its several branches. The question being on mr Campbell's motion to strike out all after the enacting clause, in the amendment offered by mr Ellis, with the view to insert sundry sections in lieu thereof, numbered from one to sixteen, and then the House adjourned till 3 o'clock, P. M.

Evening Session, June 23.—mr Mitchell called up the bill to authorise the sheriff of Talladega county, to execute all process issued by a justice of the peace for said county. The bill was then read a second time forthwith and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Shields called up the engrossed bill to empower the judges of the county courts to make partition of land; which was read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Frazier called up the engrossed joint resolution on the subject of changing the mode of disposing of the public lands; which was read the third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

A message was received from the Senate by Mr Connor, their secretary: Mr Speaker—The Senate have passed the bill from the House of Representatives, entitled an act for the relief of William H. Arthur, late Quarter Master of General Moore in the Creek service, and have amended the same by striking out the report of the committee to which the bill had been referred by the House of Representatives; in which they respectfully ask the concurrence of the House of Representatives.

The House again resumed the consideration of the bill "for the regulation of the Bank of the State of Alabama and its several branches. The question being upon striking out all after the enacting clause in the amendment offered by Mr Ellis, with the view to insert in lieu thereof, additional sections, numbered from one to sixteen, The subject was ably debated by Messrs. Campbell and Moore; and on motion of Mr Smith of M. the House adjourned till to-morrow, 9 o'clock, A. M.

Saturday, June 24.—Mr Booker presented the account of the tax collector of Madison county; which was read and referred to the committee on accounts.

Mr Everett from the committee on military affairs, to whom was referred the bill to amend an act entitled an act better to regulate the returns of the strength of the militia of the State of Alabama; reported that it is inexpedient at this time to legislate on the subject; which report was concurred in.

Mr Lindsay from the committee on enrolled bills, reported that they had examined and found correctly enrolled, the following bills, viz: An act to alter the boundaries of certain counties therein named; and, an act to authorise the citizens of Cahawba to elect a constable.

Mr Moore from the select committee, to whom was referred the bill to be entitled an act to alter the time of holding the circuit courts of Madison county, reported the same without amendment. Mr Moore then moved to amend the bill by adding after the word "process," in the second line of the second section, the words, "civil or criminal;" which was carried. The bill was read the second time, and ordered to be engrossed for a third reading on Monday next.

Mr Frierson from the committee on accounts, to whom was referred the account of B. B. Breden, reported the same back to the House as inexpedient to be allowed. Mr Berry moved to lay the report on the table; which was carried.

Mr Payne from the committee on proposition and grievances, to whom was referred the bill to compensate G. W. Stratham, for apprehending William McGrew, reported the same without amendment; which was read the second time, and the constitutional rule requiring bills to be read on three several days, being suspended, the bill was considered as engrossed, read a third time forthwith and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Booker, from the select committee to whom was referred the petition of sundry citizens of Madison county upon the subject of a bridge, reported a bill to be entitled an act to authorise the building of a bridge across Flint river in Madison county, which was read, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith; and the rule being further dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Payne from the committee on propositions and grievances, to whom was referred the memorial of certain citizens of Washington county, praying an amendment to the laws respecting slaves, reported that it is inexpedient to legislate thereon. Mr Owen moved to lay the report on the table, which was carried.

Mr Carmack presented a joint memorial and resolutions to the Congress of the United States, which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was read a second time forthwith and ordered to be engrossed for a third reading on Monday next.

A message from the Senate by mr Childress their assistant secretary. Mr Speaker: the Senate have passed bills which originated in the House of Representatives of the following titles, to wit: an act to be entitled an act to alter and amend the patrol laws now in force in the counties of Jackson, Marshall, DeKalb, Henry, Benton, Blount, St. Clair, Madison, Cherokee, Bibb, Marion, Covington, Dale, Morgan, Limestone, Lauderdale, Walker, Lawrence, Fayette and Talladega, and have amended the same by adding "therein named" in the second line, after the word "counties;" an act to repeal an act entitled an act more effectually to secure the collection of rents in the city of Mobile; an act to be entitled an act to repeal in part an act to locate the seat of justice in the county of Russell, and for other purposes. They also concur in the amendment made by the House of Representatives to their bill to be entitled an act to revise the militia laws of the State of Alabama, approved Dec. 23d., 1836.

Mr Aldridge called up from the message of the Senate, the engrossed bill from the Senate to be entitled an act to authorise John Anderton and associates to build a toll bridge across the Big Warrior in the county of Blount, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith; and the rule being further dispensed with, the bill was read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that the clerk acquaint the Senate therewith. Ordered, that mr Dent have leave of absence until Monday next.

Ordered, that mr Turner be added to the committee on ways and means: also, to the committee on internal improvement.

Mr Baker called up the engrossed bill to be entitled an act for the relief of purchasers of the University lands, which was read a third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

On motion of mr Everett, Ordered, that the House concur in the amendment made by the Senate to the bill for the relief of Wm. H. Arthur, late quarter master of Gen. Moore in the Creek service. Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by mr Childress their assistant secretary. Mr Speaker: The Senate have passed bills which originated in the House of Representatives of the following titles: an act to incorporate the Jacksonville Female Academy; an act to authorise James Crutcher and his associates to open and turnpike a road therein named. They have also passed bills which originated in the Senate of the following titles: an act to incorporate the Arcola Male and Female Academy; an act to repeal an act incorporating the town of Jacksonville in Benton county; an act to amend the charter of the Montgomery County Insurance Company, and for other purposes; an act to alter the road leading from Cahawba to Montgomery; in which they ask the concurrence of your honorable body.

The bill from the Senate to discontinue and establish certain election precincts therein named, was read the first time, and the constitutional rule being suspended, the bill was then read the second time forthwith and referred to a committee on privileges and elections.

The bill from the Senate to alter the road leading from Cahawba to Montgomery, was read the first time and ordered to a second reading on Monday next.

The bill from the Senate to amend the charter of the Montgomery County Insurance Company and for other purposes, was read the first time and ordered to a second reading on Monday next.

The bill from the Senate to repeal an act incorporating the town of Jacksonville in Benton county, was read the first time and ordered to a second reading on Monday next.

The bill from the Senate to incorporate the Arcola Male and Female Academy was read the first time, and the constitutional rule being suspended, the bill was then read the second time forthwith, and the constitutional rule being further suspended, the bill was read the third time and passed. Ordered that the title be as aforesaid and that the clerk acquaint the Senate therewith.

The bill from the Senate to change for a limited time, the time at which returns are made for the election of members to Congress, was read the first time, and the constitutional rule being suspended, the bill was then read the second time and referred to the committee on privileges and elections.

The bill from the Senate for the relief of Nathaniel Alston, late tax collector of the county of Sumter was read the first time, and the constitutional rule being suspended, the bill was then read a second time forthwith and referred to a judiciary committee.

On motion of Mr Moore, Resolved, that the messenger of this House be instructed to attend the setting of the joint committee of both Houses on the State Bank, during the investigation growing out of the resolutions referred to that committee.

A message was received from the Senate by Mr Childress their assistant secretary, Mr Speaker: The Senate have passed bills of the following titles viz: An act to authorise the payment of certain claims against the State; an act to relieve John and Samuel, free persons of color, in which they ask the concurrence of the House of Representatives.

The House then resumed the consideration of the bill for the regulation of the Bank of the State of Alabama and its several Branches, Mr Campbell's amendment offered to the amendment offered by Mr Ellis being under consideration; and then the House adjourned till half past three o'clock, P. M.

Evening Session.—The House resumed the consideration of the bill for the better regulation of the Bank of the State of Alabama, and its several branches.

Mr Erwin moved to postpone the further consideration of the subject until ten o'clock on Monday next, which was carried.

The House then proceeded to the consideration of the bill to prevent the institution of illegal and oppressive suits in the United States courts in this State, which had been made the special order for a day past.

Mr Calhoun moved to amend the bill by striking out all after the "first day of July next" where it occurs in the first section of the bill, with a view to insert the following, "all bonds, bills or notes, which shall be made payable to any person or persons, or bearer, or to any corporation, or bearer, shall have the effect of creating an obligation or liability in favor of the corporation, or person or persons, only to whom any such bond or note may be expressly made payable, and no one but such corporation, or such person or persons, or their endorsers, or personal representative, shall have a right to maintain in his own name, an action upon any such bond, bills, or notes," which was carried; the bill was then ordered to be engrossed for a third reading on Monday next.

Mr Abernathy presented the account of Maury Smith for prosecuting to conviction the negro slave Collins, which was read and referred to the committee on accounts.

Mr McLemore called up the engrossed bill to incorporate the Freedonia Male Academy in the county of Chambers, which was then read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Abernathy called up the engrossed bill for the relief of the purchasers of the sixteenth section, township four, range six, west, in the county of

Lawrence, which was read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr M'Clanahan of S. called up the engrossed bill to authorise the citizens of the town of Rockford, in the county of Coosa, to elect a justice of the peace and constable, which was read a third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

Mr Bates called up the engrossed bill for the relief of T. L. Toulmin, late sheriff of Mobile county, which was read the third time and lost.

Mr Patton called up the bill from the Senate to prohibit the importation of slaves into this State, for sale or hire; which was read the second time referred to a select committee consisting of messrs. Calhoun, Smith of M. Erwin, Ellis and Posey.

Mr Frierson called up the bill from the Senate to compensate persons therein named, which was then read the second time. Mr Frierson moved to amend the same by striking out the word 'persons' where it occurs in the caption of the bill, with a view to insert the word 'officers' which was carried and the word inserted. Mr Simmons moved to strike out the words 'five hundred' with a view to insert 'two hundred and fifty;' a division of the question being called for, the question was then first taken on striking out and carried. Mr Frierson moved to fill the blank with 'four hundred.' The bill was then, on motion of Mr Davis of A. referred to a select committee, consisting of messrs Davis of A. Frierson and McLemore.

Mr. Skinner called up the bill from the Senate to revive the law incorporating the town of Russellville, in the county of Franklin, which was then read the third time and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

On motion of Mr Moore, ordered that the resolutions heretofore adopted by this House, directing an investigation into the conduct of the President and Directors of the Bank of the State of Alabama by the committee on the State Bank, be referred to the joint committee for that purpose raised.

Mr Crabb presented the petition of sundry citizens of Tuscaloosa county, praying an extension of jail limits of said county, which was read and referred to the committee on the judiciary.

Mr Oliver offered the following resolution, Resolved, that with the concurrence of the Senate, the two houses of the General Assembly of the State of Alabama will adjourn on or before Friday next, *sine die*. Mr Moore moved to lay the resolution on the table, which was carried.

Mr Smith of W., from the committee on enrolled bills, reported that they had examined and find correctly enrolled, a bill for the location of the seat of justice for Cherokee county. And then the House adjourned till Monday morning 9 o'clock.

Monday, June 26th, 1837.—Mr Campbell, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, bills of the following titles, viz: an act for the relief of Wm. H. Arthur, late quarter master of General Moore in the Creek service; an act to amend the charter of the Gainesville and Narketta Rail Road company.

Mr Gage presented the petition of Edward P. Brown, for apprehending and bringing to justice Robert Curry, charged with the crime of murder, which was read and referred to a select committee consisting of messrs Gage, Erwin and Crabb.

Mr Boyd, from the committee on privileges and elections, to whom was referred a bill from the Senate entitled an act to change for a limited time, the time at which returns are made for the elections of members to Congress, reported the same with amendments by two additional sections, in which report the House concurred; the constitutional rule being then suspended, the bill was read the third time and passed.

Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Eiland called up from the message of the Senate, the bill to relieve John and Sam, free persons of color, which was read the first time and the constitutional rule being suspended, the bill was then read the second time forthwith and referred to the committee on propositions and grievances.

Mr Boyd, from the committee on privileges and elections, to whom was referred the bill from the Senate to discontinue and establish certain election precincts therein named, reported the same with sundry amendments, and ask the concurrence of the House; in which report the House concurred. Mr McClannahan of S. moved to amend the same by striking out "the House of" when it occurs in the bill, which was carried. Mr McClannahan moved to insert after the word "mullins," the word "mill," which was carried. Mr Johnson moved to amend by adding at the end of the 2d section, "and one at the Big Spring in Marshall county," which was carried. Mr Alston moved to amend by adding at the end of the 2d section, "one at the house of Wm. Pack in Marengo county," which was carried. Mr Warren moved to amend by adding at the end of the 2d section, the words "one at the house of Britton Adkison in the county of Dale." Mr Berry moved to amend by adding at the end of the 2d section, "one at the house of John S. Kerby in Jackson county; one at B. Snodgrass & Co's. store, and one at Toliver and Hillian's store, in Marshall county, south side of the Tennessee river, and abolish one at Barclay's and one at George Ransom's in Marshall county," which was carried. Mr Smith of W. moved to amend the same by adding at the end of the second section, the following: "That the election precinct heretofore established at the house of Robert McBryde in the county of Wilcox, be abolished, and establishing in lieu thereof, an election precinct at the store house formerly occupied by Caldwell & Henry in said county," which was carried. Mr Martin moved to amend the same by adding at the end of the 2d section, the following: "one at Ringold's Bluff, and one at the store house of Wm. Hargroves, in the county of Pickens," which was carried. Mr Evans moved to amend the same by adding at the end of the 2d section, the following: "one at Dyer's mills in Pike county," which was carried. Mr Bates moved to amend by adding at the end of the 2d section, "one at the Mississippi Hotel in the city of Mobile," which was carried. Mr Clough moved to strike out "James" when it occurs in the fifth line of the 2d section, and insert in lieu thereof "Matthew," which was carried. Mr Oliver moved to amend by adding at the end of the 2d section, the following: "one at Hickory Grove in the county of Montgomery," which was carried. Mr Johnson moved to amend the same by adding at the end of the 2d section, the following: "that an election precinct heretofore established at the Cave Springs in Marshall county be abolished, and one established in lieu thereof at Van Buren in said county," which was carried. The bill was then ordered to a third reading on to-morrow.

A message was received from the Senate by Mr Connor their secretary.—Mr Speaker: The Senate have passed a bill entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments of the same, and for other purposes; in which they ask the concurrence of the House of Representatives.

Mr Boyd, from the committee on privileges and elections, to whom was referred the resolution relating to that part of the Governor's message respecting the returns of elections of members to Congress, reported that they have had the same under consideration, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Horton called up the bill to be entitled an act to incorporate the town of New Market in Madison county, which was read a second time. Mr Horton moved to amend the bill by striking out all after the enacting clause, and to insert a substitute in lieu thereof, which was carried, and the substitute adopted, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill then as amended was considered as engrossed and read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Turner, who voted in the majority on ordering to a third reading on to-morrow, the engrossed bill from the Senate to be entitled an act to discontinue and establish certain election precincts therein named, moved to reconsider the vote, which was carried; the rule being dispensed with, the bill was then read a third time and passed. Ordered, that the title be as aforesaid, and that the clerk acquaint the Senate therewith. The House then took up the bill from the Senate entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments of the same, and for other purposes, which was read the first time, and the rule requiring bills to be read on three several days being suspended, the bill was then read a second time forthwith. Mr Scott of m. moved to postpone the further consideration of the same until to-morrow 10 o'clock, and that it be made the special order of the day for that hour, which was carried. Ordered, that ninety copies thereof be printed for the use of the members of this House. The yeas and nays being desired on making the bill the special order of the day for to-morrow morning 10 o'clock. There were yeas 45, nays 42.

Those who voted in the affirmative are Messrs Aldridge Alston Berry Carnack Christian Cottrell Crabb Cobb Ellis Evan. Frazier Frierson Gann Hammond Hutchings Johnson Jones King Mallard Martin McClanahan of M. McClanahan of S. M'David M'Million Moore Nelson Oliver Perryman Pledger Posey Priest Saunders Scott of J. Scott of M. Skinner Slaughter Smith on M. Smith of W. Snodgrass Spruill Taylor Turner Ward and Williams of B.

Those who voted in the negative are Messrs Speaker Abernathy Baker Barron Beauchamp Booker Boyd Boykin Calhoun Campbell Clough Davis of A. Davis of M. DeJarnett Eiland Erwin Everett Gage Greening Gordon Harrison Henderson Horton Kelly Leftwich Lindsay May McCord M'Henry McLemore Mitchell Owen Patton Payne Puckett Reneau Shields Simmons Warren Williams of P. Wright and Wynn.

The following message was received from the Governor, by C. C. Clay, his private secretary—Mr Speaker: His Excellency did on this day approve and sign the act for the relief of William H. Arthur, late quartermaster of General Moore in the Creek service, which originated in the House of Representatives, and also an act to amend the charter of the Gainesville and Narkeeta Rail Road Company, which also originated in the House of Representatives.

The House then resumed the consideration of the subject of the bill for the better regulation of the Bank of the State of Alabama and its several branches; Mr Campbell's motion to strike out and insert, being still under consideration. And then the House adjourned till 3 o'clock, P. M.

Evening Session, June 26.—Mr Davis of A. from the select committee, to whom was referred the bill from the Senate to compensate certain officers therein named, reported the same with sundry amendments, in which the House concurred, and the constitutional rule being suspended, the bill was then read the third time and passed. Ordered, that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The bill from the Senate to compensate certain persons therein named, was read the first time, and the constitutional rule being suspended, the bill was then read the second time forthwith, and referred to a select committee consisting of messrs McLemore, Frazier and Crabb.

Mr Snodgrass called up the bill to authorise Thomas Longacre and Thos. Cargaile to erect mills on Crow creek, in Jackson county, which was then read the second time, and the constitutional rule being suspended, the bill was then considered as engrossed, read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Moore called up the engrossed bill to alter the time of holding the circuit court of Madison county, which was then read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The House then resumed the consideration of the bill for the better reg-

ulation of the Bank of the State of Alabama and its several branches. And then the House adjourned till to-morrow morning 9 o'clock.

Tuesday, June 27th.—Mr Calhoun from the judiciary committee to whom was referred the bill to be entitled an act to incorporate Tallassee Bridge Company, reported the same with an amendment which was concurred in; the bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell from the same committee, to whom was referred the petition of sundry citizens of North Tuscaloosa on the subject of prison bounds, reported a bill to be entitled 'an act to extend the bounds of the several prisons in this State, which was read, and the constitutional rule requiring bills to be read on three several days being suspended, the bill was read a second time forthwith. Mr Horton moved to amend the bill by an additional section, which was lost; the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell from the same committee to whom was referred a bill to be entitled 'an act to amend the laws in relation to sheriff's sales and insolvent debtors,' reported the same with amendments, which was concurred in. Mr Nelson moved to amend the bill by an additional section, which was carried. Ordered that the words 'sheriff's sales and,' in the caption of the bill be stricken out. Mr Johnson, who voted with the majority on Mr Nelson's amendment, moved to reconsider the vote, which was carried. Mr Crabb moved to strike out the words 'fifty-cents' from the amendment with a view to insert a larger amount in lieu thereof. Mr Calhoun moved to lay the amendment on the table, which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

A message was received from the Senate by Mr Childress, their assistant secretary, as follows: Mr Speaker—The Senate have passed bills of the following titles, viz: An act to allow each of the several counties of Tallapoosa, Russel, Coosa, Chambers, Marshal, Randolph, Macon, De Kalb, Covington, Cherokee, Talladega and Dale, one member in the House of Representatives; an act to empower the judges of county courts to make partition of lands; and act to authorise the citizens of the town of Rockford, in the county of Coosa, to elect a justice of the peace and constable; an act to compensate G. W. Stratham for apprehending William M'Grew indicted for murder; an act to incorporate the Fredonia Male Academy in the county of Chambers; an act for the relief of purchasers of University lands. They have also passed bills which originated in the Senate, viz: an act to compensate Ferguson & Eaton for printing done at the called session of the legislature and for other purposes; an act concerning the revenue of Marshal county; an act to enlarge the prison bounds in the different counties in this State; an act to change the mode of bringing suits on bills of exchange by the Bank of the State of Alabama and its several branches; an act explanatory of the patrol laws; an act to authorise the sheriff of Marion county to make the assessment and collect the taxes for said county; an act to extend the powers of the trustees of the University of Alabama, and for other purposes; and an act to amend an act entitled an act to incorporate the Cahawba and Marion Rail Road Company; in which they ask the concurrence of the House of Representatives.

Mr Smith of M. from the committee on the judiciary to whom was referred the resolution of the House of Representatives on the propriety of giving to each county at least one member in the House of Representatives, reported that the subject matters contained therein are already embraced in bills before the House. Mr Snodgrass moved to lay the report on the table, which was carried.

The same committee to whom had been referred sundry resolutions on various subjects, reported that it was inexpedient to legislate on the subject at this time. On motion of Mr Nelson ordered that the report lie on the table.

Mr Smith of M. from the judiciary committee to whom had been referred a bill to prevent the evil practice of fighting with deadly weapons and for other purposes, reported the same back to the House without amendment. Mr S. then submitted a motion, which he said was by request of the committee, to lay the bill and report on the table; which was carried. Mr Moore then moved to refer the bill to a select committee, consisting of messrs Erwin, Lindsey, Ellis, Posey and Calhoun, with instructions to report the same back to the House at 12 o'clock to-morrow, which was carried.

Mr Smith of M. from the judiciary committee to whom was referred the bill to amend an act entitled an act to establish a Branch of the Bank of the State of Alabama at Huntsville, in the county of Madison, and to increase the capital stock of the Branch of the Bank of the State of Alabama at Decatur, passed January 10th, 1835, reported the same back to the House with amendments, in which the House concurred. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Smith of M. from the same committee to whom was referred the engrossed bill from the Senate to be entitled an act for the relief of Nathaniel Alston, late tax collector of the county of Sumter, reported the same back without amendment, which was read and ordered to a third reading to-morrow.

Mr Moore from the committee on the State Bank, to whom was referred a bill from the Senate, entitled an act to authorise the issuance and circulation by the several banks and branch banks of this State, of notes under the denomination of five dollars, and for other purposes, reported that a bill to that effect having passed both houses and approved by the Governor, superseded the necessity of further legislation on the subject. Mr Moore moved to lay the bill on the table, which was carried. Mr Moore from the same committee to whom was referred a resolution to inquire into the expediency of remitting damages on protested bills of exchange, reported that the bills before the House embrace all the objects contained in said resolution and ask leave to be discharged from the further consideration of the subject, which report was concurred in.

Mr Gage from the select committee, to whom was referred the petition of E. P. Brown, praying compensation for services therein specified, reported a bill to be entitled an act to compensate E. P. Brown, for apprehending and bringing to justice, Robert Curry, charged with murder; which was read and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read a second time forthwith, and ordered to be engrossed for a third reading on to-morrow.

Mr Smith of m. from the judiciary committee, to whom was referred the bill to be entitled an act to alter and amend the charter of the Merchants' Insurance Company of Mobile, reported that the committee have had the same under consideration, and were of opinion that the bill ought not to pass. Mr Calhoun moved to lay the report and bill on the table; which was carried.

Mr Smith of m. from the same committee, to whom was referred a bill to be entitled an act to prohibit the introduction of slaves into this State, for sale or hire, reported the same without amendment. Mr Calhoun moved to lay the report and bill on the table; which was carried.

Mr Payne from the committee on proposition and grievances, to whom was referred the engrossed bill from the Senate, for the relief of John and Sam, free persons of color, reported the same without amendment; which was read a second time and ordered to a third reading on to-morrow.

Mr Johnson from the select committee, to whom was referred the bill to fix the seat of justice for Marshall county, reported the same back as inexpedient, and ask to be discharged from the further consideration thereof. Mr Johnson moved to lay the bill on the table; which was carried.

Mr Smith of m. from the committee on enrolled bills, reported that they had examined and find correctly enrolled, bills of the following titles, viz: An act to incorporate the Jacksonville Female Academy; an act to authorise James Crutcher and his associates to open and turnpike a road therein named. Ordered that the special order for this day, ten o'clock, be postponed for the present.

The House then resumed the consideration of the bill for the better regulation of the Bank of the State of Alabama and its several branches.

The following message was received from the Senate by mr Chilress, their assistant secretary: Mr Speaker—The Senate have instructed me to return to the House of Representatives the bills to be entitled, an act to authorise the sheriff of Taladega county, to execute all process issued by a justice of the peace in said county; a bill to be entitled an act to regulate the commencement and prosecution of suits in certain cases; and ask that they may be engrossed and put in parliamentary form.

June 23, 1837.

(Signed,)

C. D. CONNOR,
Secretary of the Senate.

The bill for the better regulation of the Bank of the State of Alabama, and its several branches, being still under consideration; mr Shields moved to lay the bill and the amendments on the table; which was carried. Yeas 46, Nays 39.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Speaker Andrews Baker Bates Beauchamp Booker Calhoun Christian Cottrell Davis of A. DeJarnett Erwin Evans Everett Gage Greening Harrison Henderson Harton Kelly Leftwich Lindsay Martin May McClanahan of S. McCord McHenry McLemore McMillion Mitchell Nelson Oliver Payne Perryman Pledger Priest Puckett Reneau Scott of m. Shields Simmons Slaughter Smith of W. Spruill Turner and Wright.

Those who voted in the negative, are messrs. Abernathy Aldridge Allen Alston Barron Berry Boyd Campbell Carmack Clough Cobb Crabb Davis of m. Eiland Ellis Frazier Frierson Gann Hammond Johnson King Mallard McClanahan of m. McDavid Moore Owen Patton Posey Saunders Scott of J. Skinner Smith of m. Snodgrass Taylor Ward Warren Williams of B. Williams of P. and Wynn.

And then the House adjourned till half past 3 o'clock, P. M.

Evening Session, June 27.—Mr Carmack called up from the message of the Senate, the bill from the House of Representatives, to alter and amend the patrol laws now in force in the counties of Jackson, Marshall, DeKalb, Henry, Benton, Blount, St. Clair, Madison, Cherokee, Bibb, Marion, Covington, Dale, Morgan, Limestone, Lauderdale, Walker, Lawrence, Fayette and Taladega. Ordered that the House concur in the amendment made by the Senate to the bill. Ordered that the clerk acquaint the Senate therewith.

Mr Calhoun called up the engrossed bill to prevent the institution of illegal and oppressive suits in the United States courts, in the State; which was then read the third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

Mr Calhoun from the select committee, to whom had been referred the bill from the Senate to prohibit the importation of slaves into this State, for sale or hire, reported that they had amended the same by striking out all after the enacting clause, and inserting a new section instead thereof, and recommend its adoption. Mr Gage moved to postpone the further consideration of the bill and the amendments proposed to the first Monday in November next; which was lost. Yeas 32, nays 50.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Abernathy Aldridge Andrews Beauchamp Boyd Boykin Christian Cobb Cottrell Ellis Evans Everett Gage Gordon Harrison Horton Johnson Kelly mallard martin McClannahan of m. McClannahan of S. McCord mitchell Nelson Reneau Saunders Slaughter Spruill Taylor Ward and Williams of P.

Those who voted in the negative, are messrs. Speaker Allen Alston Baker Barron Berry Booker Calhoun Carmack Clough Davis of A. Davis of m. DeJernett Eiland Erwin Frazier Frierson Gann Greening Hammond Henderson King Leftwich may McCord McLemore mcMillion moore Oliver Owen Patton Payne Perryman Pledger Posey Priest Puckett Scott of J. Scott of m. Shields Simmons Skinner Smith of M. Smith of W. Snodgrass Turner Warren Williams of B. Wright and Wynn.

The amendment proposed by the committee was then concurred in, and the constitutional rule being suspended, the bill was then read the third time and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

Mr Ellis called up from the message of the Senate, the bill to compensate Ferguson and Eaton for printing done at the called session of the legislature and for other purposes, which was then read the first time, and the constitutional rule being suspended, the bill was read a second time forthwith, and referred to the committee on State printing.

The house then proceeded to the consideration of the bill to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments of the same and for other purposes; the same having been made the special order for this day. Mr Carmack moved to strike out all after the first section in the bill, which was lost. Yeas 7, nays 76.

The yeas and nays being desired those who voted in the affirmative are Messrs. Boyd Carmack Evans Gann Hammond King and Taylor,

Those who voted in the negative, are Messrs. Speaker Abernathy Aldridge Allen Alston Andrews Baker Barron Bates Beauchamp Berry Booker Boykin Calhoun Campbell Christian Clough Cobb Cottrell Davis of A. Davis of M. DeJarnett Eiland Ellis Erwin Everett Frazier Frierson Gage Greening Gordon Harrison Henderson Horton Kelly Leftwich Lindsay Mallard Martin May McClanahan of M. McClanahan of S. McDavid McHenry McLemore McMillion Mitchell Moore Nelson Oliver Owen Patton Payne Perryman Pledger Posey Priest Puckett Reneau Scott of J. Scott of M. Shields Simmons Skinner Slaughter Smith of M. Smith of W. Snodgrass Spruill Turner Ward Warren Williams of B. Williams of P. Wright, and Wynn.

Mr Erwin moved to amend by adding the following to the end of the first section, viz: and that any and every provision of law now in force, requiring or authorising proceedings against such Banks with a view to the forfeiture of their charters, or by which forfeitures and penalties have been incurred by them, be and the same are hereby declared inoperative, for those purposes; and that the said charters remain in full force and effect notwithstanding such suspension, which was carried. Mr Abernathy moved to amend by way of proviso, to come in at the end of the 1st section as follows: Provided, that the bills, notes and obligations of said Banks shall be receivable as heretofore at the Treasury of this State, and of the several counties, in payment of fines and forfeitures accruing, notwithstanding such suspension, which was carried. Mr McClanahan of M. moved to strike out all after the word "into," where it occurs in the fifth line of the second section, to the word "provided," in the 17th line, with a view to insert the following: "two instalments as follows, forty cents per centum. shall become due and payable during the months of April, May and June next, under such rules and regulations as the President and Directors shall establish and provide for that purpose, sixty per cent shall become due and payable during the months of April, May and June, one thousand eight hundred and thirty nine, under the rules and regulations aforesaid. Mr Cottrell moved to lay the amendment on the table, which was carried. Mr Scott of J. moved to strike out the third section, which was lost. Yeas 21, nays 61.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Aldridge

Berry Booker Boyd Carmack Cobb Frazier Gann Hammond King Leftwich McDavid Mc-Million Mitchell Moore Posey Scott of J. Snodgrass Taylor and Williams of B.

Those who voted in the negative, are Messrs. Speaker Abernathy Allen Alston Andrews Baker Barron Bates Beauchamp Boykin Campbell Christian Cottrell Clough Davis of A. Davis of m. DeJarnett Eiland Ellis Erwin Evans Everett Frierson Gage Greening Gordon Harrison Henderson Johnson Kelly jr. Mallard Martin McClanahan of m. McClannahan of S. McCord Mc-Henry McLemore Nelson Oliver Owen Patton Payne Perryman Pledger Priest Puckett Reneau Saunders Shields Simmons Skinner Slaughter Smith of M. Smith of W. Spruill Turner Ward Warren William of P. Wright and Wynn.

Messrs. Calhoun, May and Scott of M. were excused from voting.

Mr Carmack moved to amend the third section by Striking out all that part which relates to the Merchants and Planters Bank in Mobile. Mr Cottrell moved to lay the amendment on the table, which was carried; and then the house adjourned until to-morrow morning 8 o'clock.

Wednesday, June 28.—Ordered that Messrs Oliver and Davis of A. be added to the select committee to whom was referred the subject of leave of absence for the remainder of the session, given to Mr Hutchings.

The following message was received from the Senate by Mr Connor their secretary, to wit: Mr Speaker: the Senate have instructed me to return to the house of Representatives, the bill to be entitled an act to authorise the Sheriff of Talladega county to execute all process issued by a justice of the peace in said county, and a bill to be entitled an act to regulate the commencement and prosecution of suits in certain cases, and ask that they may be engrossed and put in parliamentary form, and then he withdrew. Ordered that said bills be engrossed and sent to the Senate, and that the message lie on the table.

Mr Paye presented the account of the jailor of Sumter county, which was read and referred to the committee on accounts.

Mr McCord from the committee on enrolled bills, reported that they had examined and found correctly enrolled the bill entitled an act to allow each of the several counties of Tallapoosa, Russell, Coosa, Chambers, Marshall, Randolph, Macon, Dekalb, Covington, Cherokee, Talladega and Dale, a member in the House of Representatives.

Mr Carmack called up the engrossed joint memorial to the Congress of the United States, praying a grant of land to citizen soldiers for services in the late war with Great Britain, and the subsequent war with the Indian tribes, which was read a third time and passed.

Mr Barron called the engrossed bill from the Senate, to be entitled an act regulating the mode of discounting notes in the Bank of the State of Alabama and its several Branches, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith and referred to the committee on the State Bank.

Mr Alston called up the bill from the Senate, to be entitled an act for the relief of Nathaniel Alston, late tax collector of the county of Sumter, which was read a third time. Mr Crabb moved to amend the same which was carried; the bill then passed. Ordered that the clerk acquaint the Senate therewith.

Mr Moore from the committee on the State Bank, to whom was referred the bill from the Senate to be entitled an act authorising the Treasurer of the State to deposit the surplus revenue of the United States allotted to Alabama, in the Bank of the State and its Branches, reported the same with an amendment, which was concurred in and read a third time. Mr Shields moved to postpone the further consideration of the bill to to-morrow 12 o'clock, which was lost. Yeas 24, nays, 61.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Alston Andrews Bates jr. Beauchamp Boykin Calhoun Campbell Clough Everett Greening Harrison Hen-

Henson McCord McHenry Owen Payne Pledger Saunders Scott of m. Shields Simmons Slaughter Smith of W. and Wright.

Those who voted in the negative are Messrs. Speaker Abernathy Aldridge Allen Baker Barron Berry Booker Boyd Carmack Christian Cobb Cottrell Crabb Davis of A. Davis of M. DeJarnett Eiland Ellis Erwin Evans Frazier Frierson Gage Gann Gordon Hammond Horton Johnson Kelly King Leftwich Lindsay Mallard Martin May McClannahan of m. McClanahan of S. McDavid McMillion Moore Nelson Oliver Patton Perryman Posey Priest Puckett Reneau Scott of J. Skinner Smith of M. Snodgrass Spruill Taylor Turner Ward Warren Williams of B. Williams of P. and Wynn.

The bill was then put upon its passage, and there were yeas 59, nays 25.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Speaker Abernathy Aldridge Allen Baker Berry Booker Boyd Carmack Christian Cobb Cottrell Crabb Davis of A. Davis of M. Ellis Erwin Evans Frazier Frierson Gage Gann Gordon Hammond Horton Johnson Kelly jr. King Leftwich Lindsay Mallard Martin May McClannahan of M. McClannahan of S. McDavid McMillion Moore Nelson Oliver Patton Perryman Posey Priest Puckett Reneau Saunders Scott of J. Scott M. Skinner Smith of M. Snodgrass Spruill Taylor Turner Ward Williams of B. Williams of P. and Wynn.

Those who voted in the negative are, Messrs. Alston Andrews Barron Bates jr. Beauchamp Boykin Calhoun Campbell Clough DeJarnett Eiland Everett Greening Harrison Henderson McCord McHenry Owen Payne Pledger Shields Simmons Slaughter Smith of W. and Wright.

And so the bill passed. Ordered that the title be as aforesaid and that the clerk acquaint the Senate therewith.

The following message was received from the Senate by mr Childress, their assistant secretary, to wit: mr Speaker: The Senate have passed bills from the House of Representatives of the following titles, viz: an act to alter the time of holding the circuit court of Madison county; an act to authorise the building of a bridge across Flint river in Madison county; an act for the relief of the purchasers of the sixteenth section, township four, range six, west, in the county of Lawrence, and have amended the same as therein shewn; an act to raise a salary for the judge of the county court of Dallas county, and have amended the same as therein shewn; an act to allow James Griffin the privileges of a citizen and for other purposes. They concur in the amendments from the House of Representatives to their bills to wit: an act to discontinue and establish certain election precincts therein named; an act to change for a limited time, the time at which returns are made for election of members to congress; and an act to compensate persons therein named; and then he withdrew.

Mr Posey from the committee on State printing, to whom was referred the bill from the Senate, to be entitled an act compensate Ferguson and Eaton for printing done at the called session of the legislature and for other purposes, reported the same with an amendment, which was read and concurred in; mr Calhoun moved to amend the bill by way of proviso, which was carried. mr Simmons moved further to amend by way of proviso. mr Snodgrass moved to lay the amendment on the table, which was lost; the amendment was then carried, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a third time forthwith and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The following was received from the Senate by mr Childress their assistant secretary, to wit: Mr Speaker—The Senate have passed bills of the following titles, viz: an act to authorise the Governor to appoint an agent to collect the money due the State on the sale of Aikin's and Toulmin's Digest; an act to change the time of holding the county court for Montgomery county, in which they ask the concurrence of the House of Representatives and then he withdrew.

The following message was received from the Governor by mr Clay, his private secretary, to wit: Mr Speaker: His Excellency has on this day ap-

proved and signed bills of the following titles, to wit: an act to allow each of the several counties of Tallapoosa, Russell, Coosa Chambers, Marshall, Randolph, Macon Dekalb, Covington, Cherokee, Talladega and Dale, one member in the House of Representatives; an act to incorporate the Jackson Female Academy; and an act to authorise James Crutcher and his asso- to open and turnpike a road therein named, which originated in the House of Representatives.

Mr Frazier offered joint resolutions, requiring the Secretary of State with the commissioners appointed to audit and settle claims against this State, growing out of the Indian hostilities, to make out a full and fair statement of all claims allowed by acts of the legislature this State &c., which was received and read and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, the resolutions were read a second time forthwith and ordered to be engrossed for a third reading on to-morrow.

Mr Kelly offered the following resolution, *Resolved*, that this House will adjourn *sine die* on Saturday next, which was read. Mr Shields moved to lay the resolution on the table, which was carried.

The House then resumed the consideration of the subject of the bill to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments of the same, and for other purposes. Mr Erwin moved to amend the bill by striking out the second section and inserting by way of sundry provisos the following in lieu thereof, to wit: that all debts now due to said Banks, or which may be running to maturity in the same, whether by bill of exchange, or promissory notes or judgments, shall be divided into three annual instalments as follows, to wit: one of twenty-five per cent to become payable during the months of March, April, May or June next, one of thirty-seven and a half per cent, to become due and payable during the months of March, April, May or June, one thousand eight hundred and thirty-nine; and one for thirty-seven and a half per cent, in the months of March, April, May or June, in the year one thousand eight hundred and forty, and the interest to be calculated at eight per cent. upon the whole debt up to the time when each instalment shall become due, or when such instalment shall be paid, shall become due and be paid in the same manner of each and every of such instalments, Provided, that every debtor of the Bank obtaining such extension, shall be prevented from obtaining any loan on accommodation notes until the whole of said debt shall be discharged, and Provided, that in all cases of an extension, it shall be the duty of the Directors of said Banks to take a new note with good personal security, or securities, by way of mortgage or deed of trust upon real or personal property, or both as they may think best, which security may be changed, renewed or increased, if required by said Banks once a year or oftener if necessary so as to secure the ultimate and punctual payment of said debt; and Provided further, that the debts due to said Banks, or which may be running to maturity in said Banks upon foreign bills of exchange, (always excepting bills of exchange on New Orleans) shall not fall within any of the before mentioned provisions of this section; but when such bills may have been or shall be protested, the said Banks are hereby authorised and empowered to make such arrangement with the parties thereto, to afford such extension, and take such security as will best comport with the interests and welfare of said Banks, and the said Banks are hereby further authorised and empowered to make any additional rules and regulations in relation to the debts first provided for in this section not herein contained. Mr Calhoun moved to amend the amendment by inserting after the word "extension" in the 18th line the follow-

ing: "to the amount of two thousand dollars," also at the end of the same proviso the words "and any person having his debt for a less sum than two thousand dollars, extended under the provisions of this section, shall be allowed to apply for an accommodation equal to the difference between his debt and two thousand dollars," which was carried; the amendment then as amended was adopted. Mr Saunders moved to amend the bill by way of proviso to the second section as follows, to wit: Provided further, that nothing in this act shall be so construed as to prevent debtors to the Bank from closing their indebtedness before the first day of April next, in the manner provided for in this section. Mr Patton moved to lay the amendment on the table, which was carried.

The following communication was read by the speaker, to wit:

House of Representatives, June 28.

Mr Speaker:—Permit me to tender to you and through you to the acceptance of the House, the resignation of the office of assistant clerk to the House of Representatives, which I now have the honor to fill.

Their acceptance of the same, will oblige their, obedient serv't,

HENRY L. MARTIN.

Which was laid on the table.

Mr Smith of M. offered the following amendment to come in at the end of the section of the bill, to wit: "Provided nevertheless, that the State of Alabama shall henceforth be effectually separated from all connection in name, interest, liability and association to all intents and purposes whatever in future, of the Planter's and Merchant's Bank of Mobile. Mr Cottrell moved to lay the amendment on the table, which was carried. Yeas 41, nays 40.

Those who voted in the affirmative, are messrs. Speaker Abernathy Andrews Barron Bates Beauchamp Campbell Cottrell Clough Dent Eiland Ellis Erwin Evans Everett Gage Harrison Henderson Jones Lindsay Mallard Martin May McClannahan of M. McClannahan of S. McCord Oliver Owen Patton Payne Pledger Priest Reneau Saunders Scott of M. Shields Simmons Slaughter Smith of W. Warren and Wright.

Those who voted in the negative, are messrs Aldridge Allen Baker Berry Booker Boyd Carmack Christian Cobb Crabb Davis of A. Davis of M. DeJarnett Frazier Frierson Gann Gordon Hammond Horton Johnson Kelly King Leftwich McDavid McHenry M'Lemore Mitchell Moore Nelson Posey Puckett Scott of J. Skinner Smith of M. Snodgrass Turner Ward Williams of B. Williams of P. and Wynn.

Mr Ellis offered to amend the bill by a further additional proviso, to come in at the end of the second section as follows, to wit: and provided further, that the provision of this section shall not take effect in favor of said Banks, unless they shall assent that the Legislature may hereafter modify or repeal the act or acts incorporating said banks, or any acts in amendment thereof, which said assent should be given within forty days, by an agreement under corporate seals, to be deposited with the Secretary of State, and if either of said banks fail to give their assent within the time aforesaid, then the provision aforesaid shall be operative only for the one giving its assent. Mr Campbell moved to lay the amendment on the table, which was carried. Yeas 47, Nays 39.

Those who voted in the affirmative, are messrs Abernathy Alston Andrews Baker Barron Bates Beauchamp Calhoun Campbell Christian Clough Cottrell Crabb DeJarnett Eiland Erwin Evans Everett Gage Greening Gordon Harrison Henderson Jones Lindsay Martin McCord McLemore Oliver Owen Patton Payne Perryman Pledger Puckett Reneau Saunders Scott of M. Shields Simmons Slaughter Smith of W. Spruill Ward Warren and Wright.

Those who voted in the negative, are messrs Aldridge Allen Berry Booker Boyd Carmack Cobb Davis of A. Davis of M. Ellis Frazier Frierson Gann Hammond Horton Johnson Kelly King Leftwich Mallard McClannahan of M. McClannahan of S. McDavid McHenry McMillion Mitchell Moore Nelson Posey Priest Scott of J. Skinner Smith of M. Snodgrass Taylor Turner Williams of B. Williams of P. and Wynn.

And then the House adjourned until 3 o'clock P. M.

Evening Session, 3 o'clock.—The House resumed the consideration of

the bill from the Senate to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments of the same, and for other purposes. Mr Crabb offered the following amendments to the bill, to come in at the end of the third section, to wit: Sec. —. And be it further enacted, that the said Bank of Mobile shall withdraw from circulation as soon as it resumes specie payments, all its notes under the denomination of five dollars. Sec. —. And be it further enacted, that each of said individual banks shall file in the Executive Office, within six months from the passage of this act, written evidence satisfactory to the Governor, of the approval and acceptance by a majority of the stockholders of said banks respectively of this act, as part of their charters, so far as applicable to them. Sec. —. And be it further enacted, that if either of said individual banks shall fail to file consent as aforesaid, it shall be the duty of the Governor to cause a *quo warranto* to be instituted against the bank so failing; and upon its being judicially ascertained that such bank has at any time previous to the passage of this act, suspended specie payment as aforesaid, the court having jurisdiction of the case shall adjudge the charter of such bank forfeited, and shall enjoin its further exercise of banking privileges under the charter, except so far as may be necessary to wind up the affairs of said institution. Mr Campbell moved a further amendment by adding the following, to wit: And be it further enacted, that the stockholders of said banks shall within twelve months from the date of this act, pay the amount that shall be due upon their subscriptions, or the same shall be forfeited; with all partial payments thereon, and the same shall be incorporated with the funds of the bank: provided, that each stockholder may relinquish any part of their stock, by applying all partial payments to the completion of payments on that part of the same that shall not be relinquished, which was carried. Mr Crabb then moved to amend his amendment by adding the following to come in at the end of the first section of the same, to wit: and that it shall not thereafter execute, emit or circulate, any note, bill, or other obligation of its own, of a less denomination than five dollars, which was carried. The amendment as amended, was then adopted. Mr Shields moved to strike out the fourth section, which was carried. Mr Barrón moved to amend the sixth section of the bill by striking out the word "January" when it occurred, to insert "December," which was carried. Mr Patton offered the following amendment to the sixth section of the bill, to wit: That all bills of exchange falling due and protested since the first day of September last, and upon which damages have been incurred and paid, the damages incurred by such protest shall be refunded to the person paying the same on application, and in all cases when the principle, interest and expense of the protest shall be paid before the first day of March next, the damages on all such bills shall be remitted: provided, the damages shall not be remitted on any bill of exchange, when the time for payment of said bill of exchange shall have been extended under the second section of this act. Mr Snodgrass moved to lay the amendment on the table, which was carried. Mr Calhoun moved to amend the sixth section by striking out the words "as on those running to maturity," where they occur in the 10th line of said section. Mr Abernathy moved to lay the amendment on the table, which was carried. Mr Turner moved to amend by the following proviso, viz: "provided that time shall not exceed three years," which was lost. Mr Nelson moved to amend by striking out the word "January," where it occurred in the 6th line of the 7th section, to insert "December," which was lost. Mr Crabb then moved to amend by striking out the word "there" where it occurred in the 8th

line of the 7th section, which was carried. Mr Erwin moved to amend the 9th section by striking out the following at the end of the section: "and in all cases of extension of debt under the provisions of this act, that the sum of eight per cent. interest shall be calculated," which was carried. Mr Erwin moved further to amend by two additional sections, to come in at the end of the section. Mr Campbell moved to amend by inserting the following: "and Bank of Mobile, and Planters & Merchants Bank of Mobile," to come in after the words "branch Banks," when they occur in Mr Erwin's amendment, which was carried. The amendment as amended was then adopted. Mr Snodgrass moved to strike out all of the 10th section, which was lost. Mr Crabb moved the following, to wit: after the word "Governor" in the 2d line of the 10th section, insert the words "Comptroller of Public Accounts, State Treasurer and President of the Bank of the State," and in the 4th line strike out the word "he," and insert "they" in lieu thereof, which was carried. Mr Saunders offered the following, to wit: strike out the words "any time after" when they occur in the 9th line, which was lost. Mr Ellis moved to amend by adding after the word "redeemable," "at the pleasure of the State," which was carried. Mr Ellis moved further to amend by striking out after the words "in such form, and such additional impositions as he may think proper," which occurs in the 3d and 4th lines. Mr Everett moved to lay the amendment on the table, which was lost. Mr Turner moved to amend by the following, in the 4th line after the words "sums of," to insert "one hundred." Mr Spruill moved to lay the amendment on the table, which was carried. Mr Carmack moved to strike out "five" which occurred before "millions," and on motion of Mr Everett, it was laid on the table. The amendments were then adopted. Mr Smith of m. offered the following amendment to section 12, to wit: after the word "Europe," insert "the one half to be paid in specie and be deposited in the banks in aid of their capital, and the other half sold for funds equivalent to specie, and be deposited in solvent banks in the city of New York, as a specie fund subject to the draft of such bank for whose benefit such bonds were sold, in aid of their banking capital also. Mr Campbell moved to amend the amendment by the following proviso, to wit: "provided further, that if the said bonds shall not be sold in eighteen months, and the issues shall be made thereon, it shall be lawful for the said banks to sell the same at their par value, or at a higher rate if possible, for the purpose of redeeming its circulation," which was carried. Mr Crabb moved to amend as follows, to wit: After the word "done," insert "at or above par;" which was carried. The amendment then as amended, was adopted. Mr Crabb moved to amend at the 13th section, by an additional section; which was carried. Mr Campbell moved to strike out the last proviso, in the 14th section; which was carried. Mr Priest moved to amend by inserting in the 6th line of the 14th section, after the word "banks," the following: "And it shall be the duty of the said President and Directors, when not contrary to the interests of the banks, to give the preference to such business or transaction paper; which was lost. Mr Scott moved to strike out the word "now," in the 4th line; which was lost. Mr Nelson offered to amend as follows: Insert the words "at eight per cent," after the word "note," where it occurred in the 4th line; which was on motion of Mr Patton, laid on the table. Mr Lindsay offered the following amendment, to wit: In section 14th, 4th line, after the words "now due," add "or which may fall due before the first day of next March;" which was adopted. Mr Oliver moved to amend by a proviso, to come in at the end of the 15th section, as follows, viz: "And provided further, that a prefer-

ence in accommodation, shall be given by the President and Directors of the said bank and its several branches, to any person or persons, who shall make oath that judgments or execution, is open and outstanding against him, and that the loan is for the purpose of paying and satisfying such judgment or execution. Mr Bates moved to lay the amendment on the table; which was carried. Mr Nelson moved to amend by the following proviso, to come in at the end of the 15th section, to wit: "And provided further, that during the first twelve months, after the passage of this act, no loan on notes shall be given at said banks or branch banks, except the applicant make oath by affidavit, before some justice of the peace, and attach the same to the note offered for discount, that he wants said discount and money to pay a debt in which he became bound previous to the first day of June 1837; and no domestic bill of exchange payable at the counter, shall be discounted under any circumstances, during the first three years, from the said first day of June. Mr Abernathy moved to lay the amendment on the table; which was carried. Mr Horton moved to amend by proviso, to come in at the end of said section, as follows, to wit: "Provided, that no person shall be permitted to obtain any loan of the issues upon said bonds, who cannot satisfy the Directors of the bank, to which he may apply for a loan, that he is indebted in a sum to the amount of which he applies for, and needs such loan to enable him to pay such debt or debts. Mr Abernathy moved to lay the amendment on the table; which was carried. Mr Simmons moved the following amendment, to be inserted after the word "years," in the 9th line of said section, to add: "The first payment to fall due in April, May or June, 1838, and the balance in two equal annual instalments;" which was lost. Mr Campbell moved to amend, by inserting "from," after "three," in the 9th line of said section. Mr Abernathy moved to lay the amendment on the table; which was carried. Mr Campbell offered the following amendment, to come in after the words "two thousand dollars," which occurs in the 6th line of said section, to wit: "To any one person, within the first forty days after the said bank and branch banks shall commence the making of loans upon its increased capital, and after that time, in sums not exceeding seven thousand dollars, to any one person." Mr Patton moved to lay the amendment on the table; which was carried. Mr Campbell moved to strike out the word "eight," which occurred in the 9th line of said section, and to insert "seven," in lieu thereof; which was carried. Mr Crabb moved to amend, by inserting the words "to any one person," after the word "dollars," which occurs in the 6th line of said section; which was carried. Mr Patton offered the following, viz: After the words "eight per cent per annum," to add the following: "And if the said President and Directors have any reasons to believe that the notes offered, are borrowed, or not for the benefit of the principal in said note, it shall be their duty to reject such note, or notes. Mr Snodgrass moved to lay the amendment on the table; which was carried. Mr Horton moved to amend by the following proviso, to wit: "Provided any person owing a suspended debt, in a less sum than two thousand dollars, may apply for a sum to make up the difference," to come in at the end of said section. Mr Cottrell moved to lay the amendment on the table, which was lost. Mr Cottrell then moved its indefinite postponement, which was carried. Mr Campbell moved to amend by the following, to come in after the 16th section: "And be it further enacted, that if any person shall become indebted to any of said institutions by bill, bond, note or other contract, for the payment of money, and shall delay payment thereof, the said banks may sue for and collect the same, by summary remedy, as in other cases under the charters

of said banks; which was carried. Mr Patton moved to strike out the 16th section; which was lost. Mr Erwin moved to amend the 17th section, by inserting the words "debts and liabilities," after the word "monies," where it occurs at the end of the second and beginning of the third line; which was carried. Mr Taylor moved to amend by striking out "the faith and credit of the State, together with the," which occurs in the first and second line of said section. Mr Everett moved to lay the amendment on the table; which was carried. Ordered that the 18th section be stricken out. Mr Nelson moved to amend by adding the following: "Or suspended debt," to come in at the end of the 19th section; which was laid on the table. Mr Moore offered the following to come in at the end of the 19th section, to wit: Sec. "And be it further enacted, that it shall be the duty of the President and Directors, annually, in making up statements of the expense, account to furnish the items of expense incurred at the above banks respectively, subject to the inspection of the General Assembly," by additional section; which was carried. Mr Erwin moved to amend by additional section; which is as follows. "Sec. 20. And be it further enacted, that every mortgage taken under this act, shall contain a power of sale, and if any person who shall borrow any sum or sums, under this act, shall fail to make payment of any instalment thereon, when it shall become due, the whole of the sum or sums so borrowed, or the entire balance remaining unpaid, shall become due and payable, and the President of the proper bank, shall at once proceed to collect the same; which was adopted. Mr Lindsay moved to strike out the word "Directors," from Mr Moore's amendment; which was carried. The amendment was then adopted. Mr Campbell moved to amend by an additional section; which was carried. Mr Crabb offered the following additional section, to wit: "Sec. And be it further enacted that any time between the first day of June and first day of October, in each year during the suspension of specie payments, by the Bank of the State and its branches, any individual or copartnership, holding matured notes, bills or obligation of said bank or branches, shall be permitted to deposit the same in said bank or either of said branches, as a permanent deposit, until the first day of February next thereafter, to any amount not less than one hundred dollars at a time, for which deposit, the owner thereof shall receive a certificate signed by the Cashier of the bank or branch bank receiving such deposit, acknowledging the receipt of so much paper of the Bank of the State, and promising to pay to the depositor or his order, the amount of State Bank paper so deposited, on demand after the first day of February next thereafter, with interest thereon, until the first day of February next, after such deposit, at the rate of five per cent per annum." Mr Abernathy moved to lay the amendment on the table; which was carried. Yeas 69, nays 19.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Speaker Abernathy Aldridge Alston Andrews Baker Bates Beauchamp Berry Booker Boyd Boykin Calhoun Christina Clough Cobb Cottrell Davis of A. Davis of M. DeJarnett Eiland Ellis Evans Everett Frierson Gann Greening Gordon Hammond Harrison Henderson Jones Kelly King Leftwich Lindsay Mallard Martin May McClannahan of M. McClannahan of S. McDavd McHenry McMillion Moore Nelson Oliver Owen Perryman Pledger Posey Priest Saunders Scott of J. Scott of M. Simmons Slaughter Smith of M. Smith of W. Snodgrass Spruill Taylor Turner Ward Warren Williams of B. Williams of P. and Wright.

Those who voted in the negative, are messrs. Barron Campbell Carmack Crabb Erwin Frazier Gage Horton Johnson McCord McLemore Mitchell Patton Payne Puckett Reneau Shields Skinner and Wynn.

The constitutional rule requiring bills to be read on three several days, being suspended, the bill was taken for engrossed, and read a third time forthwith. Mr Shields offered the following amendment to the bill, by way of engrossed rider, to wit: "Sec. And be it further enacted, that if

the debt of any person or persons, to any of said banks, shall not amount to two thousand dollars, such person or persons, shall not be prohibited by any thing in this act, from obtaining at the discretion of the board of Directors, a loan equal in amount to the difference between the amount of his debt, and the sum of two thousand dollars, on the same terms as prescribed for other loans in this act; which was lost. The bill was then put on its passage; when the votes were, yeas 68, nays 20.

The yeas and nays being required, those who voted in the affirmative, are messrs. Speaker Abernathy Allen Alston Andrews Baker Barron Bates Beauchamp Booker Boykin Calhoun Campbell Christian Clough Cottrell Crabb Davis of A. Davis of m. DeJarnett Eiland Ellis Erwin Evans Everett Frierson Gage Greening Gordon Harrison Henderson Horton Johnson Jones Kelly Lelthwich Lindsay martin may McCord McLemore memillion mitchell moore Nelson Oliver Owen Patton Payne Perryman Pledger Priest Puckett Reneau Saunders Scott of m. Shields Simmons Slaughter Smith of m. Smith of W. Spruill Turner Ward Warren Williams of B. Williams of P and Wright.

Those who voted in the negative, are messrs. Aldridge Berry Boyd Carmack Cobb Frazier Gann Hammond King mallard McClannahan of m. McClannahan of S. McDavid McHenry Posey Scott of J. Skinner Snodgrass Taylor and Wynn.

And so the bill passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith. Ordered that the clerk employ some one to copy the bill. And then the House adjourned until to-morrow morning, 10 o'clock.

Thursday, June 29.—The following message was received from the Senate by mr Childress, their assistant secretary: Mr Speaker—The Senate have passed bills from the House of Representatives, of the following titles: An act to authorise Thomas Longacre and Thomas Carguill, to erect mills on Crow creek, in Jackson county; which they have amended as therein shewn. The Senate disagree to the amendments made by the House of Representatives, to the bill to prohibit the introduction of slaves into the State of Alabama for sale or hire. The Senate have passed bills of the following titles: An act to repeal in part an act on the subject of insolvent debtors; an act in relation to judiciary proceedings, and for other purposes; an act to suppress the use of Bowie knives; and, an act to make appropriations for claims against the State; in all of which the concurrence of the House is asked. They have passed a bill from the House of Representatives, entitled an act to regulate the commencement and prosecution of suits in certain cases. They have also passed bills from the the Senate of the following titles: An act for the relief of David Ferguson; an act making appropriation for the payment of the members and officers of the present General Assembly. The Senate agree to the first amendment to the act to compensate Ferguson and Eaton, for printing done at the called session of the Legislature, and disagree to the other two amendments to said bill. They concur in the amendment made by the House to their bill to abolish and establish certain election precincts therein named. They agree to the amendments made by the House for the relief of Nathaniel Alston, and the bill regulating the surplus revenue of the United States; and then he withdrew.

Mr Crabb presented the account of James G. Blount, Sheriff of Tuscaloosa county, for services rendered in the Supreme Court of this State, the reading of which was dispensed with, and the same was referred to the committee on accounts.

Mr Smith of W. from the committee on enrolled bills, reported that the committee on enrolled bills, to whom was referred the bill to alter and amend the patrol laws now in force in the counties therein named, had examined the same, and find it correctly enrolled.

Mr McLemore from the committee, to whom was referred the bill from

the Senate, authorising the payment of certain claims against the State, reported the same back to the House without amendment; which was read a second time, and the rule requiring bills to be read on three several days, being dispensed with, it was read a third time forthwith, and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The House proceeded to elect an assistant clerk, to fill the vacancy occasioned by the resignation of Henry L. Martin, and Charles J. Cummins, alone being in nomination, was elected.

Ordered that messrs. Calhoun, Payne and Erwin, be appointed a committee to examine the bill, to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments of the same, and for other purposes, that the same be correctly enrolled.

The message from the Senate was taken up. Ordered that the House recede from their two last amendments to the bill from the Senate to compensate Ferguson and Eaton, for printing at the called session of the Legislature and for other purposes.

Mr Crabo called up the bill from the Senate, to extend the powers of the Trustees of the University of Alabama, and for other purposes; which was read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, the bill was read a third time forthwith and passed. Ordered that the bill be as aforesaid, and that the clerk acquaint the Senate therewith.

Mr Horton called up from the message of the Senate, the bill from the Senate to be entitled an act to suppress the use of Bowie knives, which was read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith, and referred to a select committee raised on the subject, with instructions to report them at 4 o'clock this day.

The House then took up the orders of the day.

The engrossed bill to amend an act entitled an act to establish a branch of the Bank of the State of Alabama at Huntsville, in the county of Madison, and to increase the capital stock of the branch of the Bank of the State of Alabama, at Decatur, passed January 10, 1835, was taken up and read a third time. Mr Booker moved to amend the bill by an additional section. Mr Cottrell moved to lay the amendment on the table, which was carried. The bill was then passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bills of the following titles, were severally taken up, read a third time and passed, and ordered to be sent to the Senate for their concurrence, to wit: An act to amend the laws in relation to insolvent debtors; an act to extend the bounds of the several prisons in the State; an act to incorporate the Tallassee Bridge Company; an act to provide for the payment of the members of the present General Assembly, and for other purposes; an act to amend the laws in relation to judicial proceedings; an act to form a company of militia with a less number of privates than forty, in the county of Franklin; an act to compensate Merriman Pounds for public services; an act to extend for a period of ten years, the privileges of Jesse Lott, to keep a bridge over Dog river, in Mobile county.

The engrossed bill to be entitled an act to deposit in the Bank of the State of Alabama, and the branches at Mobile, Montgomery, Decatur and Huntsville, the money received by this State by acts of Congress depositing the

surplus revenue, was read a third time. Mr Abernathy moved to lay the bill on the table, which was carried.

The engrossed joint resolution of the State of Alabama in General Assembly convened, was read a third time and passed, and ordered to be sent to the Senate for their concurrence.

Bills from the Senate, entitled an act to amend an act entitled an act to incorporate the Cahawba and Marion Rail Road Company; and an act to authorise the Sheriff of Marion county to make the assessment and collect the taxes for said county, were severally read, and the rule requiring bills to be read on three several days being dispensed with, they were read the second time forthwith, and the rule being further dispensed with, they were severally read the third time forthwith and passed. Ordered, that the titles be as aforesaid, and that the clerk acquaint the Senate therewith.

The bill from the Senate to be entitled an act explanatory of the patrol law was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and ordered to a third reading on to-morrow.

Mr Frierson offered a bill to be entitled an act making appropriations for the payment of claims against the State, which was read, and the rule requiring bills to be read on three several days being suspended, it was read a second time forthwith, and the rule being further suspended, the bill was considered as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to change the mode of bringing suits on bills of exchange by the Bank of the State of Alabama and its several branches was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith and referred to a select committee, with instructions to report on to-morrow.

The bill from the Senate entitled an act to enlarge the prison bounds in the different counties in this State was read. Mr Scott of m. moved to indefinitely postpone the bill, which was carried.

The bill from the Senate entitled an act concerning the revenue of Marshall county was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and referred to a select committee to consist of the delegation from the counties of Jackson and Blount.

The bill from the Senate making appropriation for the payment of the members and officers of the present general assembly was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith. Mr Erwin moved to lay the bill on the table, which was carried.

Mr Scott of m. who voted with the majority on the motion indefinitely to postpone the bill from the Senate, entitled an act to enlarge the prison bounds in the different counties in this State, moved to reconsider the vote, which was carried. Mr Scott's motion indefinitely to postpone was then withdrawn, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith. Mr Frazier moved an amendment to the bill to come in at the end of section —, which was carried, and on motion further to suspend the constitutional rule, it was carried. Yeas 66, Nays 8.

The yeas and nays being required, those who voted in the affirmative are messrs Speaker Abernathy Aldridge Allen Alston Baker Bates Berry Booker Boyd Callhoun Campbell Carnack

Christian Cobb Cottrell Crabb Davis of A. Davis of M. DeJarnett Dent Ellis Everett Frazier Frierson Gage Gann Greening Hammond Harrison Henderson Horton Johnson Jones King Leitch Lindsay Mallard Martin May McClannahan of M. McCord McDavid McHenry McMillion Mitchell Moore Nelson Oliver Payne Perryman Pledger Posey Priest Puckett Reneau Scott of J. Scott of M. Shields Simmons Skinner Smith of W. Snodgrass Taylor Williams of B. and Williams of P.

Those who voted in the negative, are messrs Eiland Erwin Kelly McClannahan of S. Patton Smith of M. Wright and Wynn.

The constitutional rule then being dispensed with, the bill was read a third time and passed. Ordered, that the clerk acquaint the Senate therewith. The House then adjourned until half after 3 o'clock, P. M.

Evening Session, half past 3 o'clock.—Mr Baker offered a joint resolution for the preservation of the furniture of the two Houses of the general assembly, and for other purposes, which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was read a second time forthwith. Mr Crabb offered the following amendment to come in at the end of the resolution, to wit: "to be paid out of any money in the Treasury not otherwise appropriated," which was carried, and the rule being further suspended, the resolution as amended was then considered as engrossed, read a third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr Smith of W. made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act to compensate G. W. Stratham for apprehending Wm. McGrew, indicted for murder: an act to repeal an act entitled an act more effectually to secure the collection of rents in the city of Mobile: an act to allow James Griffin the privileges of a citizen of Perry county, and for other purposes; an act to empower the judges of the county courts to make partition of lands: an act to repeal in part an act to locate the seat of justice in the county of Russell, and for other purposes: an act to authorise the building of a toll bridge across Flint river, in Madison county: an act to authorise the citizens of the town of Rockford, in the county of Coosa, to elect a justice of the peace and constable; an act to alter the time of holding the circuit court of Madison county; an act to incorporate the Fredonia Male Academy, in the county of Chambers; and an act for the relief of the purchasers of the University land.

Mr Aldridge presented a joint memorial of the Senate and House of Representatives in General Assembly convened, to the Congress of the United States, which was read, and the constitutional rule requiring bills, joint resolutions and joint memorials to be read on three several days being dispensed with, it was read a second time forthwith. Mr Carmack moved the following amendment, to wit: after the word "widow," add the words "or orphans," which was carried, and the rule being further suspended, it was taken as engrossed, read a third time and passed. Ordered, that it be sent to the Senate for their concurrence.

Mr Posey and others claimed the constitutional right to have spread on the journals of this House, the following protest, viz:

The undersigned, who voted against the engrossed bill from the Senate, to be entitled "an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments" &c., avail themselves of their constitutional right to spread upon the journals of the House, their protest against the passage of the bill, and to assign briefly their grounds of opposition.

In the first place, they cannot admit the position assumed by the House, and made the basis of the whole scheme of relief, "that in strict subordination to the constitution, it is within the competency of the General Assembly to extend the credit of the State, and apply its resources to revive individual credit, and to enable solvent debtors to appropriate their resources to extricate them from their present embarrassments!" The first section of that charter which was intended to declare and secure the rights of the people of Alabama, asserts "that all freemen, when they form a social compact, are equal in rights; and that no man or set of men are entitled to exclu-

sive, separate public emoluments or privileges, but in consideration of public services." The framers of the constitution have thus made this solemn declaration, the basis of our bill of rights, without the assertion and preservation of which, no free government can exist; nor would it be a compact of equal rights, if by any constrained construction of it, laws are enacted of unequal and partial operation. The debtors of this State proposed to be relieved by aid of the credit of the State, are only a part of its citizens, and as it is not pretended that they have paid "the consideration of public services," they cannot be entitled to separate public emoluments or privileges. The bill does confer upon such debtors a public favor and advantage, by applying the credit of the State to obtain money and credit for the express purpose of paying their debts. Unless every citizen were alike embarrassed with debts, and equally needed the aid of the public credit, and would be equally benefitted by the law, its operation would be partial, and would confer upon one set of men only, exclusive benefits and public advantages within the express prohibition of the first section of the Declaration of Rights. The bill in question not only confers exclusive benefits, but works manifest injustice to the solvent class of citizens, by compelling them to endorse for the debtor class. What is the credit of the State, but the credit of the solvent portion of its citizens? If the credit of every citizen of the State was prostrated by indebtedness, the credit of the State would not be made available for the purposes of the bill; and it is in fact the credit of the citizens *not* indebted, which forms the basis of public credit. To compel these to endorse for, or to bolster up the credit of the indebted, by the substitution of the credit of the State, which is nothing more nor less than the credit of its solvent citizens, is a measure of unjust, unequal and oppressive operation. There are no rights more strictly guarded by constitutional provisions, than the rights of private property; no citizen can be deprived of this right, unless by due course of law, enacted within the scope of legislative powers. It is true the bill does not *directly* deprive any one of his possessions, but it does *indirectly* by the substitution of public credit, under the property of every citizen liable for any and all loss that may be sustained, by the extension of public credit in aid of individual credit. In the event of a loss, and of the imposition of a tax to repay any portion of the monies borrowed by the State "to revive individual credit," the levies of the tax gatherer will infringe upon the sacred rights of private property, and deprive the solvent portion of the people of the amounts thus levied in contravention of their chartered rights. We deny the power of the Legislature to pledge the faith and credit of the State, to borrow money to revive individual credit, as proposed by the bill, or for any other purposes, than the exigencies of the State government demand. Ours is a *political* compact, formed solely for political objects—a body politic, and not a great commercial partnership, in which every member of the firm participates in the profit and loss of the whole concern. The framers of the constitution, in our humble opinion, could not have anticipated the construction which is now sought to be placed upon the powers granted by the passage of a law for the relief of one class of citizens at the hazard of another. A course of legislation which in any manner or shape encroaches upon the sacred right of property, we consider not only unauthorized, but dangerous in the extreme; let it once be supposed that there is any intention on the part of the law-making power to interfere with the well defined constitutional rights of property, and distrust and dissatisfaction must inevitably ensue. No government desirous of preserving the affections of the citizens will afford the slightest grounds of apprehension upon this very delicate and exciting subject.

The bonds of the State which are to be issued, may in certain contingencies, enter into the circulation of the country, and considering the whole object for which they are created, they will be made to assume (somewhat at least) the aspect of bills of credit, inhibited by the constitution. The exercise of doubtful powers should never be resorted to.

To the policy and the expediency of the proposed relief, we object—

1st. The very large debt contracted by the Legislature from time to time for banking capital, which has been loaned to the people in the shape of bank accommodations, and which the bill admits they are unable to repay. The increased liabilities of the State on account of the larger issues of the banks, including the University, the 3 per cent. 10th section funds, and the government deposits.

2d. The indulgence granted to the debtors of the bank may be incompatible with the safety to these institutions, and preventive of a speedy return to specie payments. It is favoritism to one set of men who have enjoyed the favors of the banks—it is injustice to those who have received no benefits from the banks, and who are equally responsible for the public faith and credit.

3d. The bill will greatly extend the relation of creditor and debtor between the State and its citizens: a relation already too extensive, and whenever it becomes so, it is dangerous to the public peace and welfare of the State. It will increase the issues and circulation of the banks to a pernicious extent—the only effects of which will be to sustain the price of property temporarily, and result in the certain depreciation of the paper of the State Bank and its branches.

These are some of the reasons which have induced us to object to the passage of the bill, and to place ourselves in the attitude of opposition to a measure of relief, which the pressure of the times would seem to require. It is however, in our humble opinion, better to bear the ills we now endure, than to seek those we know not of. Entertaining such views of the constitutionality and the expediency of the measure, we are impelled by a solemn sense of our obligations to the constitution of the country, by the highest regard for its pledged faith and credit, and by the deepest solicitude for its future peace and prosperity, to enter our protest against the passage of the bill.

S. C. POSEY, of Landerdale.

R. T. SCOTT, of Jackson.

BENJAMIN SNODGRASS,

R. HAMMONDS,

ELD. MALLARD,

JOHN BERRY,

J. P. FRAZIER,

WM. M. KING,

CORNELIUS CARMACK,

ENOCH ALDREDGE.

Mr Berry offered the following preamble and resolution, requiring the committee of eighteen, appointed on the embarrassed condition of the people of this State, to inquire into the expediency of extending the scheme of relief to such persons as were poor, and had never had accommodations from any of the Banks of this State, with leave to report by bill or otherwise, which was read. Mr Patton moved to lay the preamble and resolutions on the table, which was lost. Mr Everett moved to postpone the preamble and resolution until the first Monday in December next, which was carried.

Mr DeJarnett offered the following resolution: "Resolved, that it is the opinion of this House, that public interest is not promoted by the introduction of resolutions which contemplate no legislative action, and which are designed for home consumption," which was read. Mr Barron moved to lay it on the table, which was lost. The resolution was then adopted.

Mr Carmack introduced a bill to be entitled an act for the relief and benefit of poor families of this State, which was read. Mr Cottrell moved to lay the bill on the table, which was lost. The question was then on suspending the constitutional rule requiring bills to be read on three several days, to give the bill a second reading forthwith, which was lost. Yeas 15, nays 22.

Those who voted in the affirmative are Messrs. Alien Andrews Baker Bates Berry Booker Boyd Boykin Carmack Clough Davis of A. Davis of M. DeJarnett Eiland Erwin Frazier Gage Gann Henderson Horton Jones King Leftwich Mallard Martin May McClanahan of M. McClanahan of S. McDavid McHenry McLemore McMillion Patton Posey Priest Puckett Reneau Saunders Scott of J. Shields Skinner Smith of W. Snodgrass Spruill Taylor and Turner.

Those who voted in the negative are Messrs. Abernathy Aldridga Barron Christian Cobb Cottrell Dent Everett Hammond Johnson Kelly McCord Moore Oliver Payne Pledger Scott of M. Simmons Smith of M. Williams of B. Williams of P. and Wright.

There not being a constitutional majority, the rule was not suspended. The bill was then ordered to a second reading on to-morrow.

Mr Johnson from the committee to whom the subject had been referred, reported a preamble and joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, which was read and adopted.

Mr Abernathy called up the bill out of the message from the Senate, to be entitled an act for the relief of the purchasers of the 16th section, township 4, range 6, west, in the county of Lawrence, which was read, and the amendment by the Senate to the title of the bill by adding the words "and for other purposes," was concurred in.

Mr Owen called from the message the bill from the Senate, to be entitled an act to Incorporate the Town of Dadeville, in the county of Tallapoosa and State of Alabama, which was read, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

Mr Crabb offered a joint resolution of the Senate and House of Representatives, authorising the purchasers of furniture for the use of the the Representative Hall, which was read. Mr Calhoun moved to lay the resolution on the table, which was carried. Yeas 38, nays 34.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Aldridge Allen Berry Boyd Calhoun Carmack Christian Clough Crabb Cottrell DeJarnett Frazier Gann Hammond Henderson Jones Kelly King Leftwich Mallard Martin McClanahan of S. McCord Nelson Oliver Pledger Posey Priest Reneau Scott of J. Simmons Smith of W. Snodgrass Williams of B. Williams of P. and Wynn.

Those who voted in the negative are Messrs. Speaker Alston Buchamp Booker Cobb Davis of A. Davis of M. Dent Eiland Erwin Everett Frierson Gage Gordon Horton Johnson Lindsay May McClanahan of M. McMillion Moore Gwen Patton Payne Puckett Saunders Scott of M. Shields Skinner Slaughter Smith of M. Taylor and Wright.

Ordered that leave of absence be granted to mr Spruill for the remainder of the session.

Mr Patton offered the following: Resolved, that with the consent of the Senate, the two Houses of the General Assembly will adjourn *sine die* on to-morrow, the 30th inst., which was read. mr Jones moved to lay the resolution on the table, which was lost. mr Mallard moved to amend it by inserting 1 o'clock, which was lost; the resolution was then adopted.

The House then proceeded to the orders of the day.

The bill from the Senate to authorise the Governor to appoint an agent to collect the money due the State on the sale of Aikin's and Toulmin's Digest, was taken up and read, and on motion of mr Crabb, it was laid on the table.

The bill from the Senate, to change the time of holding the county court for Montgomery county was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, the bill was read a third time forthwith and passed. Ordered that the title be aforesaid, and that the clerk acquaint the Senate therewith.

The bill to raise a salary for the judge of the county court of Dallas county, was taken up from the message with its amendments by the Senate and read. Ordered that the House concur in the first amendment, and they disagree to the other amendment made by the Senate to said bill. Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate, to be entitled an act to relieve John and Sam, free persons of colour, was read the third time. mr Erwin moved to postpone the bill indefinitely, which was carried. Yeas 63, nays 3.

The yeas and nays being desired those who voted in the affirmative are Messrs. Speaker Abernathy Aldridge Allen Barker Bates Berry Booker Boyd Calhoun Campbell Christian, Cottrell Crabb Davis of A. DeJarnett Dent Erwin Frazier Frierson Gage Gann Greening Gordon Hammond Harrison Henderson Horton Jones Kelly King Leftwich Mallard May McClanahan of M. McCord McDavid McHenry McMillion Mitchell Moore Nelson Oliver Patton Payne Posey Priest Puckett Reneau Saunders Scott of J. Scott of m. Simmons Skinner Slaughter Smith of m. Smith of W. Taylor Williams of P. and Wynn.

Those who voted in the negative are Messrs. Davis of m. Turner Eiland and Shick's

The engrossed bill to compensate E. P. Brown for apprehending and bringing to justice Robert Curry, charged with murder, was read a third time and passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill from the Senate, for the relief of David Ferguson was read, and the rule requiring bills to be read on three several days being dispensed with, was read a second time forthwith, and referred to a select committee consisting of Messrs. Crabb Ellis and Posey, to report thereon on to-morrow.

The following message was received from the Senate by mr Connor their secretary: mr Speaker:—The Senate concur in all the amendments made by the House of Representatives, to the bill to be entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches, and legalizing the suspension of specie payments and for other purposes, and have amended the eighth amendment of the House, being in the 12th section, by striking out the word "eighteen" when it occurs before "month" and inserting "six" in lieu thereof, in which the concurrence of the House is asked—and then he withdrew.

mr Crabb offered the following resolution: Resolved, that mr James Rafter, messenger of this House, be authorised to purchase eight additional desks for the Representatives from the new counties to be elected in Au-

gust next, pursuant to an act of the present General Assembly, and also seats in the lobby for spectators, which was read. Mr Calhoun moved to lay the resolution on the table, which was lost. Mr Calhoun then moved its indefinite postponement, which was lost.

Mr Patton offered the following amendment, and also to contract for the painting of that part of the capitol which is exposed to the weather, which was laid on the table. The resolution was then adopted.

The following message was received from the Governor by Mr Clay his private secretary. Mr Speaker: His excellency did this day approve and sign bills originating in the house of Representatives of the following titles, to wit: an act to Incorporate the Fredonia Male Academy in the county of Chambers; an act for the relief of purchasers of the University lands; an act to authorise the citizens of the town of Rockford, in the county of Coosa, to elect a justice of the peace; an act to authorise the building of a bridge across Flint river in Madison county; an act to repeal in part an act to locate the seat of justice in the county of Russell; an act to allow James Griffin the privileges of a citizen, and for other purposes; an act to repeal an act entitled an act more effectually to secure the collection of rents in the city of Mobile; an act to compensate James W. Stratham for apprehending William McGrew; an act to alter the time of holding the circuit courts of Madison county; an act to empower the judges of county courts to make partition of land; and an act to alter and amend the patrol laws now in force, in the counties therein named.

Mr Campbell moved that the House concur in the amendment made by the Senate, to the amendment of the House, to the bill from the Senate, to be entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalising the suspension of specie payment of the same, and for other purposes, which was lost. Yeas 28, nays 46.

The yeas and nays being desired, those who voted in the affirmative are messrs. Alston Andrews Barron Bates Buchamp Boykin Calhoun Campbell Clough Cottrell Crabb DeJarnett Eiland Erwin Everett Gage Greening Gordon Harrison Henderson Jones Lindsay Martin May McCord McLemore Mitchell Oliver Owen Payne Pledger Reneau Scott of m. Shields Simmons Slaughter Turner and Wright.

Those who voted in the negative are messrs. Speaker Abernathy Aldridge Allen Baker Berry Booker Boyd Carmack Christian Cobb Davis of A. Davis of m. Ellis Frazier Frierson Gann Hammond Horton Johnson Kelly King Leffwich Mallard McClanahan of m. McClanahan of S. McDavid McHenry McMillion Moore Nelson Patton Perryman Posey Priest Puckett Saunders Scott of J. Skinner Smith of m. Smith of W. Snodgrass Taylor Williams of B. Williams of P. and Wynn.

The House adjourned until to-morrow morning 8 o'clock.

Friday, June 30.—Mr Everett called up the bill from the Senate to be entitled an act to make appropriations for the payment of claims against the State; which was read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read third time forthwith, and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The following message was received from the Senate by Mr Connor, their Secretary: Mr Speaker—The Senate concur in the amendment made by the House to the bill to enlarge the prison bounds. They have passed bills from the House of the following titles, to wit: An act to incorporate the town of New Market in Madison county; an act to provide for the payment of the members of the present General Assembly, and for other purposes; an act to incorporate the Tallassee Bridge Company; an act making appropriations for claims against the State; which they have amended as

therein shewn, and in which the concurrence of the House is asked: an act to form a company of militia with a less number than forty privates; and a bill to extend for a term of ten years, the privileges of Jesse Lott, to keep a bridge over Dog river, in Mobile county

The bill from the Senate to change the time of holding the the county courts in Chambers county, was read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, the bill was read the third time and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

Mr Calhoun introduced a bill to be entitled an act supplemental to an act to extend indebtedness to the Bank of the State of Alabama and its branches and legalizing the suspension of specie payments of the same, and for other purposes, and to amend the same, which was read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr Campbell called up the bill from the Senate to amend the charter of the Montgomery County Insurance Company, and for other purposes; which was read a third time and lost.

Mr Berry from the select committee to whom was referred the bill to be entitled an act concerning the revenue of Marshall county, reported that the committee are of opinion that it is inexpedient to legislate on that subject, at this time; which was laid on the table.

Mr Shields who voted with the majority on the passage of the bill from the Senate to amend the charter of the Montgomery County Insurance Company, and for other purposes, moved to reconsider the vote; which was carried. Mr Campbell moved to amend with a proviso, by way of engrossed ryder; which was carried.

The bill being then put on its passage, there were yeas 46, nays 18.

The yeas and nays being desired, those who voted in the affirmative are messrs. Speaker Barker Barron Bates Beauchamp Boykin Calhoun Campbel Christian Clough Cobb Coutrell Crabb Davis of A. DeJarnett Eiland Erwin Everett Gage Greening Gordon Harrison Horton Johnson Jones Leftwick Lindsay May McCord McLemore Nelson Oliver Patton Payne Perryman Priest Reneau Scott of m. Shields Simmons Skinner Slaughter Smith of m. Smith of W. Turner and Wright.

Those who voted in the negative, are messrs. Allen Alston Berry Carnack Frazier Frierson Hammond Kelly King Mallard McClannahan of m. McDavid' McMillion Posey Scott of J. Taylor Williams of B. Williams of P. and Wynn.

And so the bill passed. Ordered that the title be as aforesaid, and that the clerk inform the Senate therewith.

Mr Smith from the committee on enrolled bills, reported as correctly enrolled, an act authorising the payment of certain claims against the State; and a bill for the relief of the purchasers of the sixteenth section, township four, range six, west, in the county of Lawrence, and for other purposes.

The House concurred in the amendments made by the Senate to their bill to authorise Thomas Longacre and Thomas Carguill to erect mills on Crow creek in Jackson county.

Ordered, that the House insist on their amendment to the bill from the Senate, to prohibit the importation of slaves into this State for sale or hire, and that the clerk acquaint the Senate therewith.

The following message was received from the Senate by Mr Connor, their Secretary: Mr Speaker—The Senate recede from their amendment to the emendment of the House, to the 12th section of the bill from the Sen-

ate, entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalising the suspension of specie payments of the same, and for other purposes.

The bill from the Senate to be entitled an act to incorporate the Tassassee Academy, was read a third time and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The bill from the Senate to be entitled an act, to repeal an act, incorporating the town of Jacksonville, in Benton county, was read the second time, and rule requiring bills to be read on three several days, being dispensed with, the bill was read a third time forthwith and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The bill from the Senate, to alter the road leading from Cahawba to Montgomery, was read a second time, and on motion of Mr Calhoun, it was laid on the table.

Mr McCord from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act to extend the prison bounds in the several counties of this State; an act to extend the powers of the Trustees of the University of this State, and an act to authorise the Sheriff of Marion county, to assess and collect the taxes for said county.

The bill from the Senate to be entitled an act in relation to judicial proceedings, and for other purposes, was read, and on motion of Mr Crabb, was laid on the table.

The bill from the Senate, to repeal in part an act on the subject of insolvent debtors, was read and on motion of Mr Cottrell, was laid on the table.

Mr Smith of m. from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act for the relief of Nathaniel Alston, late tax collector of the county of Sumter; an act to discontinue and establish certain election precincts therein named; an act to alter the time of holding the circuit courts of Benton, Randolph and Talladega counties, and for other purposes; an act authorising the Treasurer of the State, to deposit the surplus revenue of the United States, allotted to Alabama, in the Bank of the State of Alabama and its branches.

The bill to establish certain election precincts, and for other purposes, was read a second time, and ordered to be laid on the table.

The bill to divorce Rebecca Beaty from her husband Ezekiel A. Beaty, was read a second time, and laid on the table.

The bill to be entitled an act for the relief and benefit of poor families of this State, was read a second time. Mr Cottrell moved to lay the bill on the table; which was lost. Yeas 23, nays 28.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker Aldridge Allen Beauchamp Boykin Christian Cottrell Frierson Gage Hammond Horton Lindsay McClannahan of m McClannahan of S McCord Oliver Patton Scott of m Simmons Smith of m Williams of B Williams of P and Wynn.

Those who voted in the negative are messrs Abernathy Bates Berry Booker Boyd Calhoun Campbell Carmack Crabb Davis of A DeJarnett Erwin Gann Gordon Johnson Lefiwich Mallard May McMillion Nelson Posey Priest Puckett Scott of J Skinner Slaughter Snodgrass and Taylor.

Mr Bates offered the following additional section by way of amendment: Sec — And be it further enacted, That each member of this House shall give at least the amount of his pay for the present session to some poor family, between this time and the first Monday in August next. Mr Hammond offered to amend the amendment with the following proviso: Provided however that the provisions of this act shall not be so construed as to keep their creditors from their just dues, but shall be subject

to the same, which amendments were lost. Mr Williams moved to postpone the further consideration of the bill until the first Monday in November next, which was lost. Yeas 23, Nays 28.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker Aldridge Allen Andrews Baker Christian Cobb Cottrell Dent Frierson Hammond Horton McClannahan of m McCord Oliver Patton Priest Puckett Scott of m Smith of m Williams of B Williams of P and Wynn.

Those who voted in the negative are, messrs Bates Berry Booker Boyd Calhoun Campbell Carmack Davis of A Davis of m Eiland Erwin Frazier Gage Gann Gordon Johnson King Leftwich Mallard McMillion Payne Posey Reneau Scott of J Skinner Smith of W Snodgrass and Taylor.

Mr Priest moved the previous question, which was carried. The question was on ordering the bill to be engrossed for a third reading on to-morrow, there were Yeas 24, Nays 22.

The yeas and nays being desired those who voted in the affirmative are, messrs Allen Berry Boyd Carmack Davis of A Davis of m Erwin Frazier Gage Gann Gordon Johnson King Leftwich Mallard McMillion Owen Priest Reneau Scott of J Skinner Slaughter Snodgrass Taylor and Turner.

Those who voted in the negative are, messrs Speaker Aldridge Baker Beauchamp Booker Campbell Christian Cobb Cottrell Dent Eiland Hammond and Horton.

So the bill was ordered to be engrossed for a third reading on to-morrow.

The following message was received from the Senate by Mr Connor, their secretary: Mr Speaker—The Senate have passed bills from the House entitled, an act supplemental to an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments &c.; they have also passed joint resolution for preserving and keeping the furniture of both Houses, and have amended the same, in which the concurrence of the House is asked.

Mr Gage offered the following resolution, Resolved, (the Senate concurring) that the Secretary of State be and he is hereby instructed (at the public charge) to have published in the several newspapers in this State, immediately after the adjournment of the present General Assembly, an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalising the suspension of specie payments of the same, and for other purposes, approved June 30th, 1837, which was lost.

The following message was received from the Senate by Mr Connor their secretary: Mr Speaker; The Senate have passed bills from the House of Representatives of the following titles, an act to compensate E. P. Brown for apprehending Robert Curry; and an act to amend an act entitled an act to establish a branch of the Bank of the State of Alabama at Huntsville, and for other purposes.

The House adjourned until 12 o'clock.

Twelve o'clock, June 30th.—The House met.

Mr Crabb from the select committee to whom was referred the bill from the Senate for the relief of David Ferguson, reported the same with the following amendments: after the word 'bond' in the seventh line of the body of the bill, insert the words 'and security,' also the following, to come in at the end of the bill, viz: 'provided that said Ferguson, his agent or attorney applying to draw said appropriation, before he shall do so, shall submit to the Comptroller of Public Accounts the receipt of M. D. J. Slade, for the amount due him for completing the printing of said Reports, or his assent in writing to the issuance of a warrant for said appropriation, which amendments were concurred in. The bill was then read a third time and passed.

The following message was received from the Senate by Mr Connor their secretary: Mr speaker—The Senate adhere to their amendment to the bill entitled, an act to raise a salary for the Judge of the county court of Dallas. The bill to raise a salary for the Judge of the county court of Dallas county, was taken up from the message, when the House concurred in the amendment made by the Senate.

A message was received from the Senate by Mr Conner their secretary, as follows: Mr speaker—The Senate concur in the amendment made by the House to the bill to amend the charter of the Montgomery Insurance Company, and for other purposes; and have passed a joint memorial from the House of Representatives, and have amended the same as therein shewn; they have passed a bill to authorise the Secre-

tary of State to distribute certain books therein named; in which the concurrence of the House is asked.

The following message from the Governor, by Mr C. C. Clay, jr. his private secretary. Mr speaker: His Excellency did on this day approve and sign an act for the relief of the purchasers of the sixteenth section, township four, range six west, in the county of Lawrence; an act to regulate the commencement and prosecution of suits in certain cases; an act to prevent the institution of illegal and oppressive suits in the United States Court of this State; all of which originated in the House of Representatives.

The bill from the Senate to authorise the Secretary of State to distribute certain books therein named, was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith—and the rule being further dispensed with it was read a third time forthwith and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

Mr Erwin from the select committee to whom had been referred the bill to suppress the use of Bowie Knives, reported the same with an amendment, which was concurred in; the bill was then read the third time and passed. Ordered that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

Mr Puckett offered the following resolution: Resolved that a committee of three be appointed to act with such committee as may be appointed on the part of the Senate to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly are now ready to adjourn *sine die*, in the event he has no further communication to make to them; which was laid on the table.

The following message from the Senate by Mr Connor, their secretary: Mr speaker:—The Senate concur in the resolution of the House of Representatives proposing to adjourn this day.

Mr. Smith of M. from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, to wit: an act to compensate E. P. Brown for apprehending to justice Robert Curry, charged with murder; an act to form a company of militia with a less number of privates than forty, in the county of Franklin; an act to extend for the period of ten years the privilege of Jesse Lott to keep bridge over Dog river in Mobile county; an act to provide for the payment of the members of the present General Assembly, and for other purposes; an act to incorporate the town of New Market in Madison county; an act making appropriations for claims against the State; and an act to authorise Thomas Longacre and Thomas Cargile, to erect mills on Crow creek in Jackson county, and for other purposes.

The following message was received from the Senate by Mr Connor, their secretary. Mr speaker: The Senate have passed a bill from the House of Representatives entitled an act to compensate Merriman Pounds, for public services.

Mr Smith of M. from the committee on enrolled bills made the following report. The committee on enrolled bills have examined and find correctly enrolled, a bill of the following title; an act to amend an act entitled an act to establish a Branch of the Bank of the State of Alabama at Huntsville, and to increase the capital stock of the Branch of the Bank of the State of Alabama at Decatur.

The House then adjourned until two o'clock P. M.

Evening Session, two o'clock.—Mr Moore from the joint committee on the State Bank, to whom was referred sundry resolutions, reported that the committee have, according to order had the same under consideration, and had instructed him to make the following report, accompanied by the journal of their proceedings: Resolved, that the proceedings of the joint committee of both Houses of the General Assembly of Alabama, be reported by their respective chairmen, to their respective Houses; and that they report that in as much as the shortness of the session, and the impossibility of obtaining all the information which might have been obtained, precludes the possibility of preparing a report at length growing out of the investigation of said committee, and that said investigation as far as it has gone, be spread upon the journals of both Houses. All of which is respectfully submitted.

DAVID MOORE,

Chairman on the part of the House of Representatives.

Which report was read and concurred in by the House.

Mr Ellis moved that the letter of W. D. Stone, addressed to the Speaker of this House be also spread on the journals, which was lost. Yeas 20, Nays 25.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker Abernathy Allen Beauchamp Booker Campbell Carnack Clough Eiland Ellis Frierson Harrison Johnson McMillion Nelson Patton Slaughter Smith of m Smith of W and Wright.

Those who voted in the negative are, messrs Aldridge Baker Barron Christian Cottrell Crabb Davis of A Davis of m Erwin Gordon Hammond Horton Lettwich Mallard Martin May McClannahan of m Moore Priest Puckett Reneau Simmons Skinner Williams of B Williams of P and Wynn.

Journal of the proceedings of the joint committee on the State Bank appointed under a joint resolution of the Senate and House of Representatives, to inquire into all, or any improper conduct on the part of any Officer or Director of the Bank of the State of Alabama.

Directors Room of the Bank of the State of Alabama, }
Friday evening 8 o'clock, June 23, 1837. }

The two committees of the Senate and House of Representatives assembled under the above resolution.

Present, Messrs. Burke, Chairman, Fleming, James, Roberts and Jemison of the committee on the part of the Senate; and Messrs. Moore, Chairman, Oliver, May, Gage, Patton, Scott of J. and Crabb of the committee of the House of Representatives.

For the purpose of organizing, mr Crabb was called to the Chair, and mr Jemison was appointed Secretary.

The question arose whether the two committees should act conjointly or integrally as separate and distinct committees, whereupon it was decided that the two committees should act jointly and as one committee.

Mr Moore of the House was then elected Chairman of the joint committee, and mr Crabb was appointed clerk for the evening.

On motion of mr Roberts of the Senate, it was, Resolved, That all persons not members of the committees should retire.

On motion of mr Jemison of the Senate, Resolved, That Charles J. Cummins, Esq. be requested to attend the future meetings of this committee, for the purpose of swearing such witnesses as may be examined.

On motion of mr Crabb of the House, it was, Resolved, That a sub-committee be appointed to draw up & submit to this committee at their next meeting, a specification of the various resolutions referred to this committee by the Senate or House of Representatives, of the several points of investigation to which the attention of this committee shall be directed.—whereupon mr chairman appointed upon said committee, Messrs. Crabb, Burke and Fleming.

Mr chairman laid before the committee a communication from William D. Stone, Esq. President of the Bank of the State, as follows:

TUSCALOOSA, June 23d, 1837.

Hon. DAVID MOORE, Chairman of joint committee on State Bank:

Dear Sir—As soon as the committee of which you are chairman is organized and prepared to enter upon the investigation of the subjects referred to you, I would beg the favor to be informed of it, that I may be present at the commencement.

I am, very respectfully, your obed't serv't,

(Signed)

W. D. STONE.

Ordered that said communication lie upon the table.

On motion of mr Jemison of the Senate, it was, Resolved, That if in the course of the investion of this committee, any director or other officer of the Bank shall be implicated, such director or officer shall be immediately informed thereof and his presence before the committee requested, and fur-

ther, that in reply to the communication of the President of the *Bank*, he be furnished with a copy of this resolution.

On motion of Mr Crabb of the Senate, it was, Resolved, That this committee appoint a clerk to keep a record of their proceedings, whereupon Mr Charles J. Cummins was appointed clerk to this committee. And then the committee adjourned until to-morrow evening at 3 o'clock. If neither House of the General Assembly should be then in session, and if either House should be then in session, then until 8 o'clock to-morrow evening.

Directors Room 8 o'clock, June 24—The committee met pursuant to adjournment.—Present, Mr chairman, (*Moore*) and Messrs. Jemison, *Mays*, Fleming, Roberts, James and Burke of the Senate; and Messrs. Kelly, Shields, Scott of J. Gage, *May* and Crabb of the House.

Mr Crabb of the subcommittee to whom the subject was referred, made the following report, to wit:—The subcommittee to whom was referred the various resolutions of the Senate and House of Representatives charging this committee with the duty of enquiring into, and reporting to the respective Houses, the facts in relation to the Bank of the State and the conduct of the directors and officers thereof, in relation to certain subjects designated in said resolutions, with instructions to draw up and submit to this committee at their next meeting, a specification of the several points of investigation, growing out of said resolutions, to which the attention of this committee shall be directed, have had the subject under their consideration, and have instructed me to report the following specifications, to wit:

1. Whether any officer or director of the Bank of the State of Alabama has at any time drawn or caused to be drawn from said Bank, specie for its paper, and to what amount. and at what time?

2. Whether the rules adopted by the board of directors for the disposal of exchange have been in all cases adhered to, and if not, whether there has been any deviation from the rules so adopted, or attempts by any officer or director of said Bank, to vary them so as to give any one individual advantages denied to the community at large?

3. Whether any officer or officers of said Bank has or have been guilty of any infraction of the charter of said Bank by trading as joint copartners in the purchase and sale of slaves or merchandize?

4. Whether any of the officers of said Bank have been trading as copartners or in any manner concerned in trade in the public fund, dividing profits resulting from trade in negroes or any other species of property?

5. Whether the usual accommodations have been extended by said Bank, particularly during the months of February and March last, and if not, what are the causes thereof?

6. Whether any causes of action adopted by the directory of said Bank or other cause has produced an unequal or unjust distribution of their accommodations?

7. Whether the accommodations extended to directors of said Bank have been extraordinarily large, compared with their solvency and ability to meet the same, or with the amounts granted to others equally solvent and as fully entitled to participate in the benefits of said institution?

8. Whether there has been an unusual and unnecessary number of suits instituted against those indebted to the institution?

9. Whether any other abuses have been tolerated or practised in said Bank?

All of which is respectfully submitted to the committee.

GEORGE W. CRAEB, Chairman.

On motion the report of the subcommittee was concurred in.

Charles J. Cummins failing to appear in conformity with his appointment of the previous meeting, Thomas J. Burke was appointed clerk of the joint committee, and after being sworn to the faithful discharge of the duties, entered upon the performance thereof.

On motion of Mr. Jemison of the Senate, it was, *Resolved*, That E. F. Comegys cashier of the State Bank, be called as a witness; when it appeared by his first answer that W. D. Stone President of the Bank, appeared to be implicated. Whereupon on motion of Mr. Crabb of the House, it was, *Resolved*, That Wm. D. Stone, President of the Bank, be requested to appear before the committee.

In conformity with the above resolution, the chairman of the committee addressed the following communication to Wm. D. Stone, President of the State Bank.

Col. Wm. D. Stone:

You are requested to appear before the joint committee at the Bank as early as your convenience will permit.

(Signed)

DAVID MOORE, Chairman.

On motion of Mr. Scott of J. it was, *Resolved*, That the clerk of this committee be requested to take down the answers of the witnesses in writing, unless the witness himself prefers to make his own answer in writing.

Wm. D. Stone President of the State Bank, having now appeared before the committee, E. F. Comegys was again called as a witness, and the first interrogatory was propounded to him, to wit: Whether any officer or director of the Bank of the State of Alabama, had at any time drawn or caused to be drawn from said Bank, specie for its paper, and to what amount, and at what time? To which he made the following answer in writing, to wit:

1st. On the 16th of May, 1837, Col. Wm. D. Stone, President of the Bank of the State of Alabama, presented to me nine thousand seven hundred and fifty dollars, of the notes of said Bank, for which he demanded specie, and requested that the same should remain in the vault on special deposit.

At this stage of the investigation, Col. Stone applying to the committee for permission to appear before them by counsel. On motion of Mr. Crabb of the House, it was, *Resolved*, That Wm. D. Stone, President of the State Bank, who considers himself implicated in the present investigation, be permitted according to his request, to appear by counsel for the purpose of aiding him in the cross examination of witnesses.

On the adoption of this resolution, Col. Stone requested that the investigation should be discontinued until the next session of the committee, to enable him to provide himself with counsel.

Mr. Jemison of the Senate, then offered the following resolution, *Resolved*, That the clerk furnish E. F. Comegys, Esq. with a copy of the specifications or interrogatories reported by the subcommittee, and that he be requested to write out his answers thereto, by the next meeting of the committee, and that Col. Wm. D. Stone be also furnished with a copy of the specifications or interrogatories.

Mr. Scott of J. moved to lay the resolution upon the table, which was lost; the resolution was then adopted. The committee then adjourned until Monday evening three o'clock. If neither House should then be in session, and in that case until 8 o'clock on Monday evening next.

Directors Room 8 o'clock, June 26—The committee met pursuant to adjournment.—Present, messrs. chairman, (Moore) and messrs. Burke, Mays, Fleming and James of the Senate; and messrs. May, Shields, Oliver, Gage, Kelly, Crabb and Scott of J. of the House. The proceedings of

the previous meeting were then read. The examination of E. F. Comegys, cashier of the Bank of the State of Alabama, being renewed, the clerk was directed to read the interrogatories in succession to Mr Comegys. When his answer to the interrogatory was read, Col. Stone making application to the committee for permission to propose some questions to the witness. On motion of Mr Crabb it was, Resolved, That all persons not of the committee should withdraw, for the purpose of enabling the committee to adopt some course of action in relation to the further examination of the witness. The witnesses and others having withdrawn, On motion of Mr Crabb of the House, it was, Resolved, That after the witness shall make answer to the interrogatives propounded in the report of the subcommittee, the members of the committee may put such questions to the witness in writing, as they may deem proper, after which he may be cross examined by Col. Stone.

The witnesses and others were then recalled, and the examination of Mr Comegys proceeded as follows:

1st Interrogatory propounded to Mr Comegys.—Whether any officer or director of the Bank of the State of Alabama has at any time drawn or caused to be drawn from said bank specie for its paper, and to what amount and at what time?

To this interrogatory Mr Comegys replied, that on the 16th May, 1837, Col. Wm. D. Stone, President of the Bank of the State of Alabama, presented to me nine thousand seven hundred and fifty dollars of the notes of said bank, for which he demanded specie, and requested that the same should remain in the vault on special deposit.

2d Int.—Whether the rules adopted by the Board of Directors, for the disposal of exchange, have been in all cases adhered to, and if not whether there has been any deviation from the rules so adopted, or attempted by any officer of said bank, to vary them, so as to give any one individual advantages denied to the community at large?

Ans.—To the best of my recollection, or knowledge, there has been no violation of the rules of the Board of Directors, respecting the disposal of the funds of this bank, upon which a premium is charged, since the suspension of specie payments by the bank, previous to which time the disposal of such funds was left to my discretion, and sometimes I found it necessary to dispose of larger amounts than I otherwise would, in order to save the specie. Since the rule adopted by the board of directors, that not more than one hundred dollars should be paid to any one person, said rule has not been violated to the best of my knowledge, though it was urged by Col. Wm. D. Stone, that I should furnish Judge Peter Martin with four hundred dollars in United States money.

3d Int.—Whether any officers of said bank have been guilty of any infraction of the charter of said bank by trading as joint copartners in the purchase and sale of slaves or merchandize.

Ans.—Of my own knowledge I cannot say that there has been a violation of the charter of this bank, by the officers trading as copartners in the purchase and sale of slaves or merchandize.

4th Int.—Whether any of the officers of said bank have been trading as copartners, or in any manner concerned in trade in the public funds, dividing profits resulting from trade in negroes, or any other species of property.

Ans. I have no knowledge of any officer of this bank having used the public funds for his private use in trade or otherwise.

5th Int.—Whether the usual accommodations have been extended by said bank, particularly during the months of February and March last; if not what are the causes thereof?

Ans.—I find by reference to the books of this bank, that the business upon notes and bills of exchange, during the months of February and March, have been to a larger amount by \$36,771 41, than it was for the same time in 1836.

6th Int.—Whether any course of action adopted by the directory of said bank or other cause, has produced an unequal or unjust distribution of their accommodations?

Ans.—I do not believe that there has been, intentionally, a rule or course adopted by this board to produce an unequal or unjust distribution of their accommodations.

7th Int.—Whether the accommodations extended to directors of said bank have been extraordinarily large, compared with their solvency and ability to meet the same, or with the amounts granted to others equally solvent, and as fully entitled to participate in the benefits of said institution?

Ans.—The accommodations extended to directors of this bank I do not conceive to be extraordinarily large; not larger than usual. As to their ability and solvency, I am una-

ble to determine, and it is out of my power to compare their ability and solvency with other dealers with this bank.

8th Int.—Whether there has been an unusual and unnecessary number of suits instituted against those indebted to the institution?

Ans.—There has been an unusual number of suits instituted this year by this bank, but I cannot undertake to say that it was unnecessary for this bank to proceed against its debtors at the time she did.

9th Int.—Whether any other abuses have been tolerated or practised in said bank?

Ans.—I am not aware of any other abuses having been tolerated or practised in said bank.

The following questions were then proposed to Mr Comegys by members of the committee:

By Mr Crabb. Do you know of any other officer or director of this bank, except the President, having drawn or caused to be drawn from said bank, specie for its paper, and if so, by whom, when and what amount?

Ans.—Does not know of any officer having drawn specie from this bank; if any of them did, the amount was so small as not to attract his notice.

By Mr Crabb. Have you heard any officer or director of this bank say or admit that he was or had been trading in negroes, and if so, who was he, and what had been, or was at that time, his accommodation or indebtedness to this bank.

Ans.—Heard Col. Stone and Major Lewin admit they had put money into the hands of Charles W. Lewin, for the purpose of buying negroes. Col. Stone had at that time no accommodation at this bank. Major Lewin's accommodation I do not now recollect; though it was not larger than usual. The usual accommodation of directors was \$5,000 in bills and \$2,000 on a note.

By Mr Crabb. You say you do not believe there has been intentionally a rule or course adopted by the board of this bank, to produce an unequal distribution of their accommodations: Has there been any such rule? and if so, what is it? Explain fully its nature, the time when adopted, &c.

Ans.—Does not recollect there was any rule of the kind alluded in the question. If so it did not make the impression upon me that it would be unequal in its operation.

By Mr Crabb. You say there has been a larger number of suits by the bank this year than usual. What reason was given for such a course? Was it ever urged that it was necessary to sue in order to hold the securities on notes and bills, or either, liable? If so, by whom was it so urged, and by whose legal opinion, if there was any legal opinion taken?

Ans.—Does not know that any legal opinion was taken upon the propriety of the unusual number of suits. Recollects that Mr Wm. G. Parish urged the necessity of commencing suits to the first term after the maturity of the papers, to bind the securities.

By Mr Mays. Did Col. Stone draw the specie on his own account and for his own use, or did he act as the agent of some other person?

Ans.—Col. Stone was the only party in the transaction as to the specie, known to me.

By Mr Mays. Were you able or not, at the time, to have furnished Col. Stone with a check upon the north?

Ans.—Was able, at that time, to have given a check for \$9,750, to Col. Stone.

By Mr Mays. Would you not have preferred furnishing a check, rather than pay the specie? Were you asked for a check?

Ans.—Should have preferred giving a check rather than pay the specie. Was not asked for a check by Col. Stone.

By Mr Mays. Have you or not, been since informed that Col. Stone was acting as the agent of another individual, and if so, when did you come in possession of that information? Was the fact communicated to the board, and if so, how long since?

Ans.—Never heard that Col. Stone was acting as the agent of another person, until the meeting of the committee of the Senate on Friday night last. The fact of his being the agent of another was never communicated to the board to my knowledge.

By Mr Gage. How long was said deposit made previous to the suspension of specie payments by this bank?

Ans.—Said deposit was made one day before the suspension of specie payments by this bank.

By Mr Gage. Has Col. Stone drawn said deposit, or any part thereof, from the bank since it was made, and if so, what amount and for what purpose?

Ans.—Col. Stone has drawn from that special deposit \$350.

By Mr Kelly. Have you any knowledge of an agreement having existed between Wm. D. Stone, President of the State Bank, and Charles Lewin, Esq. touching a joint interest in any trade or speculation? or do you know of any agreement of copartnership between Wm. D. Stone and Chas. W. Lewin; if so, whether Chas. Lewin was likewise interested, or any other officer of the bank? Do you know whether they have negotiated any

paper through the bank, to afford them capital to prosecute any joint enterprise or speculation! or has any paper been negotiated which was the result of their sales, or disposition of joint effects.

Ans.—Heard Col. Stone say that there was an agreement between him and Major Lewin. Never heard of C. W. Lewin being connected with any officers other than those mentioned above. If any paper intended for the purposes set forth in the query, was ever negotiated in this bank, I do not know it; an accommodation was obtained by Chas. W. Lewin & Co. to not more than two or three thousand dollars. Do not know the individuals composing said firm.

By Mr Mays. Had Col. Stone obtained a discount immediately previous to the said deposit, or to the meeting of the Legislature; and if so, when and what amount?

Ans.—Col. Stone had had no accommodation at this bank previous to said deposit; has had a discount of \$5,000 on a bill and \$2,000 on a note previous to the meeting of the Legislature. These discounts were obtained on the 31st of May.

By Mr Mays. Had you or not, on a previous occasion during the present year refused to take on special deposit an amount of specie drawn from the vaults of this bank, by another individual?

Ans.—I refused to take on special deposit \$9,000 from a gentleman named Griffin, from Mobile, in May last.

By Mr Shields. Have there been any suits commenced since the issuance of the Governor's proclamation convening the Legislature? if so, was the institution of such suits deemed necessary to secure the debts?

Ans.—No suits have been instituted by the bank since the 10th of May last, except in one instance in Bibb county, at the request of the securities.

By Mr Oliver. Why did you discriminate between the President of this bank and Mr Griffin, in receiving the deposit of the one and refusing that of the other?

Ans.—When Mr Griffin presented the notes of this bank to me and demanded specie, I asked him if no other funds, a check for instance, would answer his purpose, but he insisted on being paid the specie; I did not therefore wish to accommodate him. When Col. Stone presented the notes for payment I felt astonished. Col. Stone asked me to receive the specie on deposit; I received it to accommodate the President of the bank. I believe that if the specie had been taken out, the excitement would have been much increased.

By Mr Gage. Did you, when Col. Stone presented the paper of the Bank for payment, prefer him any funds, other than the specie; if so, what was his reply, if any was made?

Ans.—When Col. Stone demanded the specie, I neither offered him, nor did he ask for a check or any other funds.

No more questions being proposed to the witness on the part of the committee; the chairman informed Col. Stone, that he was now at liberty to question the witness: When it being suggested that Col. Stone desired time to prepare questions for the cross-examination. On motion of Mr Crabb, the committee adjourned until 8 o'clock, to-morrow evening.

Directors Room, 8 o'clock, June 27—The committee met pursuant to adjournment.

Present, Messrs. Moore, chairman, Mays, James Jamison and Burke of the Senate, and Messrs. Crabb, Kelly, Oliver and Gage of the House. The proceedings of the previous meeting, were then read. The examination of E. F. Comegys, Cashier, was resumed, and the following interrogations were propounded to him, by Mr Jamison of the Senate:

1st. Do you know at what time, the co-partnership between Col. Stone and Major Lewin commenced?

Ans.—I do not.

2d. When you speak of the accommodation of C. W. Lewin & Co. to what date do you go back?

Ans.—The firm of C. W. Lewin & Co. has had accommodations in this Bank, for two years.

3rd. You say you do not know who composes this firm. Is there not a standing rule of this board, that the individual names of firms shall be made known before any action on their paper?

Ans.—There is a rule of the board, that the individuals composing a firm, should be known to the board when they obtain a discount. The individuals composing the firm of C. W. Lewin & Co. may have been known to the board.

4th. Your discount on notes or bills, in February and March last, are larger than at the same period last year. What was the relative amount of notes or bills. Will you furnish the committee, the amount of each Directors accommodations, since the present board went into office, and also the amount to which some ten or twelve out of the board has been accommodated, taking the heaviest accommodations that have been granted to individuals not in the directory?

Ans.—The amount of accommodations, now running to maturity, received from the Bank of the State of Alabama by the directors and others referred to in the query, are as follows:

William D. Stone, President, \$7000, John Marrast \$12000, John Owen \$9300, William Simonton \$32000, A. R. Ramsey \$12000, C. Lewin \$6800, C. Lewen for C. W. Lewin \$3775, J. C. Wilson \$17000, J. Cantley \$10,000, J. C. Johnson \$12000, Major Cook \$12000, Joseph Lacy \$12000, P. Donaldson 5500, (directors.) Persons not of the board—C. M. Conrow & Co. 2500, H. A. Snow & Co. \$5875, J. O. Cummins & Co. \$7500, James Hogan \$3500, Battle & Miller \$3000, Cummins P. & Co. \$25000, Joel White \$4700, Smith & March \$6500, Mathew Davis \$18,423, R. Jamison jr. \$6700, Cummings & Mason \$6125, P. B. Healey \$14,034, William G. Parish \$7000.

5th. Do you know of any funds received by Col. Stone, a short time previous to his drawing the specie?

Ans.—Thinks Col. Stone received some funds by letter, but does not know how long before the deposite—thinks the amount was considerable.

6th. Do you know or have you good cause to believe, that any officer or director has borrowed names of persons, whose paper has been discounted?

Ans.—Does not know of any directors having borrowed the names of any other person or persons to be used at the bank.

7th. Is there or was there not a rule of the board, allowing each member on each discount day, to call up a certain number of notes. If so, when adopted, how long continued, and what was its extent and operation?

Ans.—There has been such a regulation as the one referred to. It commenced in February and continued up to this date. The number of calls is regulated by the amount which the board determines to discount. For instance; if the board determines to discount \$60,000, each member, (the board consists of 12,) is allowed to call up paper to the amount of \$5,000. Notes have not been taken up in their usual order the present season. The witness thinks that the board was prompted to this course, by the urgent and frequent appeals that were made to them by persons out of doors.

The witness was then cross examined by Col. Stone, as follows:

1st Int. You have stated that W. D. Stone has drawn out three hundred and fifty dollars of the special deposite. Will you state whether he has not drawn seven hundred dollars more, and whether that amount was not paid in the notes of the bank to his check, and about what time?

Ans.—Col. Stone drew the amount mentioned in the question; and \$7 or 800, for which he received the paper of this Bank.

2d Int. Did not W. D. Stone exchange three hundred and fifty dollars of the special deposit, which you state he drew out, for paper, and without any premium or profit whatever. Do you know whether he has any time, sold or exchanged specie for paper at a premium?

Ans.—Col. Stone did exchange the amount mentioned in the question, for paper, which paper was handed to me. I do not know of Col. Stone having exchanged specie for paper at a premium.

3d Int. During the late panic, did W. D. Stone, evince a determination to sustain the bank and continue specie payments, until the citizens of Tuscaloosa petitioned the board of directors, for a suspension, and until the board actually resolved to suspend specie payments.

Ans.—He did.

4th Int. Did not W. D. Stone in order to protect the specie in the vault, procure for this bank at par, in April last at Mobile, fifty thousand dollars in United States Bank notes, which have been paid out by you generally in small sums at a premium of one and a half to three per cent, and has he not on all occasions, advised you to save the northern funds for the same purpose?

Ans.—Col. Stone did procure at par \$50,000 in United States paper, as stated in the question, and which was paid out as stated, and advised me as stated.

5th Int. You say you refused to receive from Griffin on deposit, the \$9,000 of specie, drawn by him. Do you not know that the president and directors of this bank, are bound by their charter, to receive money on deposit, and pay out to order free of expense?

Ans.—Such are the words of the charter.

6th Int. Do you know of any law which prohibits two or more of the directors from being co-partners in the purchase of any species of property: If you do, please recite the words of the law?

Ans.—Thinks that two members of a firm are not allowed to be directors, one in one bank, and the other in another. The words of the law are: "No person who is a director of any other bank, or co-partner of any such director, shall be eligible as president or director of said bank."

7th Int. At the time W. D. Stone changed the nine thousand, seven hundred and fifty dollars of the notes of this bank for specie, and made a special deposit of it, could not any individual at the same time, according to the charter and rules of this bank, have done the same thing; and had you not on the same day (16 May,) paid out to individuals, a large amount in specie; please state about the amount you paid out on that day?

Ans.—In reply to this question, states that according to his construction of the charter, he does not think he would have been compelled to receive the specie on special deposit. On the day the deposit was made, about \$15000 in specie, was paid out exclusive of the special deposit.

8th Int. On what day did this bank, by a resolution of the board, suspend specie payments?

Ans.—The bank suspended specie payments on the 17th day of May.

Mr Jemison of the Senate further cross examined the witness, as follows:

1st Int. Was the United States money referred to in the 4th cross interrogation, procured with the funds of this bank, or Col. Stone's individual funds?

Ans.—The United States money referred to in the 4th question, was obtained with the funds of this bank, though no specific order to that effect was made by the board of directors, yet Col. Stone's act was ratified and approved by the board.

2d Int. Is there not a difference between a general and special deposit, and what difference?

Ans.—A difference has always been made between a special and a general deposit; when a general deposit is made, the amount is placed to the credit of the depositor, in the books of the bank; when a special deposit is made, a certificate is given or credit is given upon the bank book of the depositor. A special deposit is never checked for in this bank.

3rd Int. Col. Stone asks you in 7th interrogation, if any individual might not have drawn the specie under the charter &c. Do you not know that on a former occasion, specie was drawn by an individual, and that his course was disapproved by Col. Stone, as well as every other member of the board, and that in consequence of his drawing, the board refused to renew his note falling due about that time?

Ans.—Recollect a case, (Mr Samuel Norsworthy,) having drawn an amount of specie, about the time of the appearance of the specie circular. His conduct was disapproved by the whole board, and he was required to pay up his note in full. This occurred about the 1st of August; the note was renewable about that time.

No farther interrogations being propounded the witness, on motion of Mr Jemison of the Senate, it was resolved, that each officer and director, have access to the interrogations or specifications, made out by the sub-committee, and be requested to make out full answers to the subjects of inquiry therein contained by our next meeting, and then appear for the purpose of being qualified thereto.

On motion of Mr Crabb of the House, it was resolved, that the clerk be instructed to procure the services of some suitable person, to aid him in bringing up the journal of this committee, and the committee then adjourned until to-morrow morning, 8 o'clock.

Director's Room, 8 o'clock, June 28.—The committee met pursuant to adjournment.

Present, Mr Charman (Moore,) messrs. Mays, Burke, Jemison, James, Fleming and Roberts of the Senate, and messrs. Patton, Crabb, Gage, Shields and Oliver of the House.

The proceedings of the previous meeting were read.

A communication from Mr Roberts, of the Senate, was read by the chair, as follows:

TUSCALOOSA, June 28, 1837.

To DAVID MOORE Esq. *Chairman of Joint Committee:*

SIR—I desire that George S. Gaines and Doct. Morast, be summoned to attend and give testimony, this evening, before the joint examining committee, appointed to inquire into abuses &c. practised in the State Bank.

Respectfully,

JAMES F. ROBERTS.

On motion of Mr Jemison of the Senate, the communication was laid on the table.

The examination of E. F. Comegys, Cashier of the Bank of the State of Alabama, was then resumed, and the following cross interrogation were proposed to him by Col. Stone:

1st Int. You say in answer to third interrogatory propounded by Mr Jemison, that Norsworthy's conduct, in drawing specie from the bank about the 1st of August last, was disapproved of by the whole board; was it the simple fact of drawing the specie, that was disapproved of in Mr Norsworthy, or was not rather his previous and subsequent attempts to create alarm in the public mind in relation to the bank and its ability to withstand the effects of the specie circular?

Ans.—Thinks that the dissatisfaction on the part of the board towards Mr Norsworthy, arose in the first instance from the fact of his having drawn specie from the bank. His subsequent conduct was calculated to provoke the resentment of the board.

2d Int. Was not the bank about the time of Mr Norsworthy's draft, compelled to furnish considerable amounts of specie, to persons wishing to attend the lands sale at Pontotoc; and was not a panic, which would cause a run on the bank, for that reason, greatly to be deprecated at that time?

Ans.—A considerable amount of specie was drawn about that time. A panic or distrust of the ability of the bank would certainly have been deprecated.

3d Int. At the time Col. Stone exchanged the notes of the bank for specie, and left the specie with the bank on special deposit, was not the public mind highly excited, and the run upon the bank incessant, and could that transaction from its nature, have had any influence in promoting the run for specie beyond the height it had then obtained?

Ans.—The public mind was excited to a great extent, the run upon the bank was considerable. Had the public known that the specie was drawn by Col. Stone, the excitement would have been much greater.

The witness was then further cross examined by Mr Jemison, as follows:

1st Int. Which would have created the greatest alarm, drawing specie by Mr Norsworthy or the drawing of specie by the President of the bank.

Ans.—The drawing of specie by the President would doubtless have created more alarm than such a course on the part of Mr. Norsworthy.

2nd Int.—Was the run greater at the time Norsworthy drew, than when Col. Stone drew, was a panic then to be more deprecated than when Col. Stone made his draw, what was the relative amount of the sums drawn by Norsworthy and Col. Stone?

Ans.—The run for specie on this bank was greater at the time Col. Stone made the demand than it was when Mr. Norsworthy did, and I believe a panic was as much or more to be deprecated at the time when Col. Stone made the draw than when Mr. Norsworthy drew. Mr. Norsworthy drew eight or nine hundred dollars, and Col. Stone drew \$2,750.

3d Int.—Would you, as an officer of this bank, have drawn specie at the time and under the circumstances that Col. Stone did?

When this question was propounded to the witness, objections being made thereto, on motion, all persons not belonging to the committee were directed to withdraw from the committee room, and the question being taken upon the propriety of propounding the interrogatory to the witness, it was decided in the affirmative. The following members of the board of directors of this bank were then called and sworn as witnesses, namely, Messrs. Mariast, Owen, Lewin, Johnson, Cantley, Sinton, Wilson and Cook. Mr. Comegys was then recalled and the question objected to above was propounded to him, to which he answered as follows:

Ans to 3d Int.—He would not have drawn specie at the time and under the circumstances that Col. Stone did.

Mr. Shields then proposed the following question.

Quest.—Was the draft of specie by Col. Stone known to the community at large at the time? Was there any circumstance connected with the transaction which was calculated to expose it to the public? Did Col. Stone or yourself make it known to the community or to any one by whom it was made public, previous to the suspension of specie payments by the bank, could not any other individual have drawn the same amount of specie at the same time?

Ans.—The draw of Col. Stone was not known to the public at the time it was made, there was no circumstance connected with the affair calculated to expose it to the public; it was not made known by him (Mr. Comegys,) previous to the suspension. Does not think it was made known in any manner previous to said suspension. Any other individual could have drawn the specie at the same time.

Quest. by Mr Jemison.—If you had refused Col. Stone, to take the specie on deposit as you did in the case of Griffin, would it not as likely have been known as Griffin's case, was not it one inducement with you to receive the specie drawn by Col. Stone, on special deposit to prevent its being publicly known; would you have taken the same from any one unconnected with the bank, on special deposit?

Ans.—If I had refused to take the specie from Col. Stone on special deposit, I think it would have been as likely to be known as in the case of Griffin, the desire to prevent its being known constituted one inducement to receive the specie of Col. Stone on special deposit. I would not have taken the same on special deposit from any one unconnected with the bank.

Question by Mr Shields.—Within the sphere of Mr Norsworthy's influence was his conduct calculated to effect the credit and interests of the bank? Did his object appear to be to prejudice the public mind against the bank?

Ans.—It is possible that his conduct might have effected the interests and credit of the bank within the sphere of his influence. His object seemed to be to prejudice the public mind against the bank.

Question by Mr Jemison.—Would not the same amount drawn by any officer of the

bank, more especially the President, at that time have been more likely to produce a panic in the public mind?

Ans.—A draw to the same amount and at the same time by any officer of the bank, would have been more likely to produce a panic than the conduct of Mr Norsworthy.

Question by Mr Mays.—I had you any reason to think that the conduct of Mr Norsworthy would produce a panic in the public mind?

Ans.—I do not think that the conduct of Mr Norsworthy was calculated to produce a panic in the public mind.

Question by Mr Crabb.—Do you or not believe that Mr Norsworthy's course in drawing specie was caused by honest conviction of his rights, and not with a view to prejudice the bank unnecessarily?

Ans.—It is difficult to say any thing as to his motives, he certainly had the right to draw the specie. From expressions made in the bank, his object seemed to be to prejudice those even where he had influence, against the bank, yet afterwards, when he came back to pay his note he remarked that he was joking, and thought the Cashier knew him well enough to know it.

No further questions being proposed to the witness, he was then permitted to withdraw. Col. Stone applying to the committee for permission to inspect the answers of the witnesses to the interrogatories propounded to them to night. On motion of Mr Jenison of the Senate, it was Resolved, that Col. Stone have access to the journals of this committee, for the purpose of examining all the answers made by the witnesses to the interrogatories propounded to them to night. Mr Marrast was then called as a witness, and in reply to the interrogatories propounded in the report of the sub-committee, he read the following answers, to wit:

Ans. to Ques. No. 1.—It appears by the books of the bank as exhibited to me by the Cashier, (being absent myself from Tuscaloosa at the time,) that Col. Stone did, on the 16th of May last, draw from the bank \$9,750 in specie. I know of no other case farther than in the way of change.

Ans. to Ques. No. 2.—I know of no case violating the rules of exchange, having taken place in this bank.

Ans. to Ques. No. 3.—Of my own knowledge I know of no case of infraction of the charter by any of the officers of this bank, by trading as joint companies in purchasing of slaves or merchandise.

Ans. to Ques. No. 4.—I am entirely ignorant of any such impropriety or trading in the public funds as is related in this interrogatory.

Ans. to Ques. No. 5.—In my opinion the usual amount of accommodations were not uniformly and regularly granted during a part of February and March, as well as I remember; the main reason assigned for this was, that it was not proper to discount notes for the purpose of paying their bills, then maturing at the branch at Mobile; and to delay or suspend our discounts then in order to ascertain first, whether those bills would likely to be met or not; and further to create a specie or exchange fund at Mobile, but aggregately it was as large as usual as I believe.

Ans. to Ques. No. 6.—The board of Directors always in my opinion, designed to grant an equal and just distribution of the favors of the bank but as no system or regulation for this purpose can give uniform satisfaction; hence some complaints were made on this matter, but I believe that the different counties have had so far, their relative proportion of accommodation, so far as I have been enabled to examine the books.

Ans. to Ques. No. 7.—I believe that the accommodations to the directors at present is not as great or greater than is usual, but as compared to their solvency or ability to pay I cannot say. I am not prepared to answer this question as critically as I would desire, as it would be necessary to examine the books of the institution.

Ans. to Ques. No. 8.—There has been necessarily, from the condition of the times, an unusual number of suits instituted, and the reason at the time was in order to hold the endorsers liable, by no improper delay in taking the legal steps.

Ans. to Ques. No. 9.—I know of no other abuses tolerated or practised in this bank.

Question by Mr Roberts. What do you know relative to the adoption of a resolution by the board of directors at Tuscaloosa, appointing an agent to repair to Mobile and to remove the account or collections of the State Bank from the branch at Mobile. State all you know about it, and particularly whether your President, Wm. D. Stone, did not inform the board of directors that he had reason to consider the funds of the State unsafe in said branch bank, inasmuch as he was advised that it would fail or suspend, and that he was also advised that the Mobile Bank would not. Also state whether it was not upon the faith of his statements as above, that the board passed the resolution as above alluded to. Also state, whether such a course on the part of the State Bank was not calculated to destroy the confidence of the public in one of our principal State institutions, and to sacrifice the interests of the State?

Ans.—Soon after Col. Stone's return from his visit to Mobile with the Governor, at a meeting of the board of directors of this bank, he intimated the propriety of removing our business and means from the branch bank at Mobile, for the reason, in his opinion, that that branch would certainly suspend specie payments; and recommended the propriety of placing the same in the Mobile Bank, and expressed great confidence that the Mobile Bank would hold out, or not suspend. This opinion he entertained from the information he acquired while he was in Mobile. On those representations to the board here, the resolution referred to was drawn up and adopted, and it was made my business to proceed to Mobile, charged with the duties embraced in the resolution as appears on the minutes, and for further information on this subject the minutes will furnish. As to the effects of the course adopted by this bank upon the credit and standing of the branch at Mobile, under all the circumstances and state of the times, I cannot say certainly, as general distrust and alarm seemed to exist in relation to all our banking institutions.

On motion of Mr Jemison, it was, Resolved that the resolution referred to above, in the answer of Mr Marrast, be spread upon the journals of this committee.

Extract from the minutes of the board of directors of the Bank of the State of Alabama:

"Resolved, That Dr. John Marrast be and he is hereby authorised and requested to visit Mobile, forthwith, and receive from the branch of the Bank of the State of Alabama at Mobile, all the bank notes of this bank on hand in said branch, and send the same up in the iron chest, and in the event of a suspension of specie payments on the part of that institution, he is hereby authorised to receive from said branch bank all bills of exchange belonging to this bank, running to maturity, and deposit the same in the bank of Mobile for collection; provided, said Bank of Mobile may not have suspended also, and in that event, that he be authorised to hold said bills and present them as they become due at said branch bank for payment, and advise this bank of his acts."

1st Question by Mr Shields. Was the adoption of the resolution by this board, at this bank, known to the community at the time?

Ans.—I cannot say that it was known to the community at the time, as I embarked in a boat immediately after the adjournment of the board.

2d Question by Mr Shields. Did Col. Stone make the representation upon which you say the resolution was founded, in a public manner, or in a manner calculated to destroy the public confidence in the solvency of the branch bank at Mobile?

Ans.—Col. Stone's statement as to the branch bank at Mobile, were made at the board; I did not hear him make them out of doors.

Question by Mr Crabb. In your answer to the 8th question propounded to you, you say that the suits were deemed necessary in order to hold the endorsers bound; on what ground was such an opinion founded, was any legal opinion to that effect before the board, directly or indirectly; if so, from whom was such opinion obtained, through whom; and was that opinion urged before the board, if so, by whom?

Ans.—Some member of the board. (witness thinks perhaps it was Mr Parish) urged the necessity of commencing suits, with the view of binding the endorsers upon bills and notes.

Question 1st by Mr Roberts. If the branch bank at Mobile had been in danger of failure as stated by your President, was it not his duty as the presiding officer of this bank, to have afforded support and relief to that bank, instead of crippling her operations by the withdrawal of the collections, which change and withdrawal must necessarily have become public.

Ans.—I do not know that the change of the business of this bank from one to another would necessarily impair the credit of the bank from which the business was taken. I think it was the duty of Col. Stone as the presiding officer of this bank to have afforded relief to the branch bank at Mobile, if such could be done.

Question 2d by Mr Roberts. Had you any reason to believe that the branch bank at Mobile would not have paid over any collections which it might make for your bank?

Ans.—I had no reason to think that the branch bank would not have paid over any collections it might have made for this bank.

Question 3d by Mr Roberts.—Had you acted in obedience to the resolution in the event of suspension on the part of the Mobile Bank what funds would you have received? Would you have refused the notes of that branch bank?

Ans.—If I had acted in obedience to the resolution adopted by the board, I would not have refused the notes of the branch bank at Mobile.

Question by Mr Jemison.—Is there, or has there been, a rule in your board authorising each member on each discount day to call up notes to a certain amount, or certain number. If any such rule when adopted, and what will be or has been its effects. Does it not in many cases produce favoritism, by enabling the directory to serve their immediate friends to the exclusion of others? Has it, or may it not operate favorably to bank agents?

Ans.—There is a rule of the kind referred to. The rule arose from the peculiar and un-

precedented condition of things out of doors. The effects have been injurious, and it will be changed this week. It certainly does enable directors to accommodate their favorites, to the exclusion of others. Does not doubt its operation has been favorable to bank agents. Thinks that if the rule had not been abused it would have answered the purpose of its institution.

Question 2d by Mr Jenison.—What effects do you think bank agencies have. Are they favorable or otherwise to the just and equal distribution of the accommodations of the bank.

Ans.—Thinks that if the bank agencies have any influence they are injurious. They have more or less influence at the board.

Question 3d by Mr Jenison.—Has a long existing rule of your board, requiring that a member leave the board when his own paper is called, been in any way changed and what has been the effects of such change upon the deliberations of the board.

Ans.—The rule referred to exists now; it is always observed by the witness and some others. Others think it unnecessary and therefore do not strictly observe it.

No further questions being proposed to the witness, on motion the committee adjourned until 8 o'clock to-morrow morning, to meet at the Conference Hall at the Capitol.

Conference Hall, Thursday morning, 8 o'clock, June 29—Committee met pursuant to adjournment.—Present, messrs. Chairman, (Moore) Burke, Mays, Jenison, Roberts, Fleming and James of the Senate; and messrs Crabb, Kelly, Gage, Potton, Shields, Oliver and May of the House. On motion of Mr Jenison, the reading of the proceedings of the previous meeting was dispensed with. The examination of witnesses was resumed, John Owen was called as a witness and in reply to the interrogatories propounded in the report of the subcommittee, made the following answers:

Ans. 1st.—Col. Stone informed me he had drawn specie for a friend but he did not name the amount or the person. Further than this, I have no knowledge of any officer of the bank drawing specie except in small amounts for the convenience of change.

Ans. 2d.—There has been no departure from the rule of the Bank regulating exchange, that has come within my knowledge.

Ans. 3d.—If any officer or director has violated the charter of the bank in any way, or in any kind of traffic, I have no knowledge of the fact.

Ans. 4.—Same as the third.

Ans. 5.—The discounts up to the present date, have been as large as in any preceding year since my connection with the bank, during the months of February and March were not as liberal as I think they ought to have been: the reasons urged in opposition to my views, that it was contrary to banking usages to discount notes to pay bills, and that such a course would exhaust the means on which we depend for specie and northern funds.

Ans. 6.—The rules adopted for the distribution of discounts have not been uniform, but have always I believe been framed with a view to equalise the distribution of discounts as far as practicable, according to the population, wealth and situation of the different counties dealing with this bank.

Ans. 7th.—The accommodation of directors has not in my opinion been larger than usual, and I believe all will be able to pay their debts contracted with this bank. In some cases, other individuals are hable for a much larger amount than most of the directory.

Ans. 8th.—There have been more suits this year than usual, the reason is the many failures on the part of the bank debtors to meet their engagements and the board cannot delay suit beyond the first court, without releasing endorsers from their liability, and jeopardising a large amount of the bank debts.

Ans. 9th.—There may be other abuses, but as there is no positive evidence which has come to my knowledge, I am not prepared to affirm or deny. No known abuse has been tolerated; a small legislative enactment might guard one point from which abuses might possibly arise.

Question by Mr Mays.—You state that Col. Stone informed you that he drew the specie for a friend; please state when he informed you of the fact and whether or not he told you the name of the friend for whom he alleged he drew the specie.

Ans. He did not inform me of the name of the person. He informed me of the draw a day or two after the introduction of the resolution of inquiry into the House of Representatives.

Question by Mr Crabb.—What effect do you think bank agencies have upon the just and equal distribution of the accommodations of the bank?

Ans.—Doubts whether bank agents when connected with directors, would be favorable to a just and equal distribution of the accommodations of the bank.

Question 2d by Mr Crabb.—Do you know of such influence operating on the board of directors of this bank?

Ans.—Knows of no such influence.

On motion the witness was permitted to withdraw, and John C. Johnson was called and in reply to the interrogatories of the subcommittee answered as follows:

1st.—I know of no officer or director drawing any specie from this bank, except to answer the ordinary purposes of change. I have been told by the cashier that the day previous to the suspension of specie payments, the president of this bank drew \$89,750 and made a special deposit of the same. Col. Stone afterwards told me that he had drawn it for a friend in order to retain in bank what would otherwise have been drawn and carried off; and if the bank would give northern funds that the specie would be retained, which I took for granted to be the fact.

2d. As far as I know, the rule adopted by the board, in relation to exchange, has been generally adhered to. No attempt has been made on the part of any officer or director of this bank, to deviate from the rule in relation to exchange, so as to give advantages to one individual more than the community in general.

3d. I know of my own knowledge, of no such co-partnership existing or having existed, between any officers or directors of this bank.

4th. I have no knowledge of the facts referred to in the query.

5th. I believe that the discounts up to this time, are as large or larger, than they usually have been in this bank. The discounts in the month of February were very small. The reason urged by some of the members of the board, was that it was not usual to discount notes to pay bills then maturing; that the bank would be in great need of all the funds they could get in Mobile, to procure specie with. In the month of March, I believe the discount was about as usual.

6th. I believe the board have adopted no rule that is unequal or unjust, as far as I know they have made their discounts as general as possible, since the first of April.

7th. I believe there has been an unusual number of suits; for what reason I cannot tell, as I left home about the time the papers were given out for suit.

8. I believe the accommodations of the Directors have not been unusually large in proportion to their business.

9. If any abuses are practised in this bank they are unknown to me.

Question by Mr Shields.—At what time did Col Stone inform you that he had drawn the specie?

Ans.—A day or two subsequent to the introduction of the resolution of enquiry.

Question by Mr Crabb.—Do you know of any abuse in obtaining accommodations in this bank, in one individual's name, for the use and benefit of any director or officer of this bank, or other person.

Ans.—I do not. The witness then withdrew, and Charles Lewin being called, made answer as follows:

1st. Of my own knowledge I know no one that has drawn specie from the bank, except I have myself drawn some \$25 or \$30 at different times for change. And at different times during the last six months I have deposited from \$500 to \$1000; which has been checked out and paid in State Bank notes.

2d. I don't know of any.

3d and 4th. Some time in June or July, 1836, C. W. Lewin went on to the east to purchase some negroes for himself and me, and previous to his starting, Col. Stone asked me when he (Charles) would start. I answered him that he would start in the morning. He stated that he should like to have some more negroes; that he was settling a plantation in Mississippi, and lacked some hands; and he wished to know if Charles would purchase some negroes for him. I answered that I did not know, but I would send Charles to see him, and in about two or three hours Charles told me that he had agreed to take \$5000 for Col. Stone, and purchase him some negroes. I then advised Charles to have an article between him and Col. Stone, drawn in such a manner as to make Col. Stone pay his proportion of any negro or negroes that might die, and an article to that amount was signed by Col. Stone, Charles and myself. As well as I recollect, I think no paper was discounted by the Bank for Col. Stone, about that time—but a reference to the books will more fully show. I had discounted about the time Charles started, paper to the amount of \$2500 or \$3000, which was for the purpose of sending by Charles to purchase negroes for my own use. After Charles returned with the negroes, Col. Stone observed that they were so high, he would prefer that he would sell them.

5th. It was thought best by the board not to discount until they had heard from the bills running to maturity.

6th. Not as I recollect.

7th. I don't think the accommodations to Directors have been extraordinarily large, compared with their ability to pay. I am at a loss to answer the balance of the interrogatory, for I am not certain that I understand it.

8th. The opinion of the Board was, that suits must be brought to the first term of the Court, after the note became due, or the securities would be released, and from the fact that the debtors of the bank did not make payment as punctually as heretofore, there was perhaps a larger number of suits instituted.

9th. Not of my knowledge.

Question by Mr Crabb for W. D. Stone.—If you know, please state who compose the firm of C. W. Lewin & Co., is, or not, Col. Stone a member of that firm?

Ans.—Col. Stone was not a member of that firm—Wm. F. Cleaveland and Geo. Huggins, are the other members of the firm.

By Mr Crabb.—How and from whom did the Board derive the opinion that suits must be brought to the first term, in order to hold the securities and endorsers liable?

Ans.—Thinks that impression was derived from Col. Stone and Mr Parish.

The witness then withdrew, and James C. Wilson was called, and made answer as follows:

1st. Did not know that any officer of this Bank has drawn specie (except for change) only from rumor.

2d. No such facts have come to my knowledge.

3d. Knows nothing of the facts referred to in the query, save from rumor.

4th. Same as above.

5th. The usual accommodations were not granted by the Bank in the month of February. thought she was able, though a lawful number of the Board thought otherwise, and it was not done. The month of March I was absent.

6th. I do not know that such was the effect of any rule adopted by the Board.

7th. Please refer to the accounts of the Directors. All their liabilities I believe will be promptly met.

8th. I can't say that there has been an unusual or unnecessary number of suits brought by the Bank.

9th. I know of no abuses practised or tolerated in this Bank.

The witness then withdrew, and Major Cook being called, made answer to the interrogatories of the sub-committee, substantially the same as those given by the last witness. The committee then adjourned to meet to-morrow at 11 o'clock.

Conference Hall, Friday morning, 11 o'clock, 30th June, 1837.—The committee met pursuant to adjournment. Present, messrs Chairman, (Moore) Burke and Jennison of the Senate, and messrs Crabb, Shields, Gage, Oliver, Scott of J., Mays and Kelly.

A communication (added below) was read by the chair from Peter Donaldson, a Director of the Bank of the State of Alabama. Whereupon, mr Gage offered the following resolution: WHEREAS, Mr Donaldson has not been sworn before this committee. *Be it therefore Resolved*, that his communication be laid upon the table; adopted.

On motion of Mr Oliver, *Resolved*, that the proceedings of the joint committee of both Houses of the General Assembly of Alabama, be reported by their respective chairmen to their respective Houses, and that they report, that inasmuch as the shortness of the session, and the impossibility of obtaining all the information which might have been obtained, precludes the possibility of preparing a report, at length, growing out of the investigation of said committee, and that said investigation as far as it has gone, be spread upon the journals of both Houses. And the joint committee then adjourned.

DAVID MOORE, *Ch'n. of the Joint Com. on the State B'k.*

T. J. BURKE, *Clerk Joint Com.*

Communication of Peter Donaldson, referred to above:

TUSCALOOSA, Alabama, June 30th, 1837.

To the sub-committee to which was referred various resolutions touching the conduct of the Directors and other officers, &c. and other subjects of the Bank of the State of Alabama:

GENTLEMEN: Having no knowledge whatever, touching any of the specific interrogatoires contained in your communications, and having no knowledge of misconduct on the part of any Officer or Director in any of the particulars referred to, or any other matter to which your communication might relate, I hope I shall be pardoned for making a general answer, without noticing the interrogatories separately. You will receive this as a denial on my part, of any information whatever on the subject.

With great respect,

PETER DONALDSON.

To the Chairman of the Joint Committee on the State Bank, present.

The House received the following message from the Governor, by Mr C. C. Clay, jr. his private secretary—Mr Speaker: His Excellency has on this day approved and signed the following bills, which originated in the House of Representatives, viz: an act to form a company of militia with a less number of privates than forty, in the county of Franklin; an act to extend for the period of ten years, the privileges of Jesse Lett, to keep a bridge over Dog River, in Mobile county; an act to compensate E. P. Brown, for apprehending and bringing to justice Robert Curry, charged with murder; an act to incorporate the town of New Market, in Madison county; an act making appropriations for the payment of claims against the State; an act to authorise Thomas Longacre and Thomas Carguile to erect mills on Crow creek, in Jackson county, and for other purposes; an act to provide for the payment of the members of the present General Assembly, and for other purposes; an act to amend an act entitled an act to establish a branch of the Bank of the State of Alabama at Huntsville, in Madison county, and to increase the capital stock of the branch of the Bank of the State of Alabama at Decatur, passed January 10th, 1835.

The House received the following message from the Senate, by Mr Connor their secretary—Mr Speaker: The Senate disagree to the amendments of the House to the bill to suppress the use of Bowie knives.

Ordered, that the House insist on their amendments to the bill to suppress the use of Bowie knives, and that the clerk acquaint the Senate thereof.

Mr Campbell from the committee on enrolled bills, reported that they have examined and find correctly enrolled, the following bills and joint resolution: an act compensating Merriman Pounds for public services; an act to raise a salary for the judge of the county court of Dallas county; preamble and joint resolutions of the Senate and House of Representatives of the State of Alabama.

Mr Smith of M. made the following report, viz: The committee on enrolled bills have examined and find correctly enrolled, a bill of the following title, to wit: an act to amend an act to incorporate the Cahawba and Marion Rail Road Company.

Mr Campbell from the committee on enrolled bills, reported that they have examined and find correctly enrolled, an act to incorporate the Tallapoosa Bridge Company.

I, David Moore, a member from the county of Madison, availing myself of the constitutional right of giving my reasons for the vote I gave against spreading on the journals, the letter from Col. William D. Stone. I have a perfect knowledge, as chairman of that committee, whose duty it was, on application to issue subpoenas, that no application was ever made to me by Col. Stone, or any other person for him, to subpoena any witness whatever. And further, if I had been applied to, I should have issued subpoenas for as many witnesses as he might have wished. If that letter had not reflected upon the committee unjustly, and had only requested the suspension of the public mind until he could have been fully heard, I should not have withheld such an act of justice, but would have voted for spreading it on the journals with pleasure. DAVID MOORE.

The following message was received from the Senate by their secretary, Mr Connor—Mr Speaker: The Senate have passed a bill to compensate the Secretary of State for copying the acts and journals of the present session, and ask the concurrence of the House of Representatives.

The bill from the Senate to compensate the Secretary of State for copying the acts and journals of the present session was read, and the rule requiring bills to be read on three several days was dispensed with, and it was read a second time forthwith, and referred to a select committee consisting of messrs Posey, Cottrell and Davis of A.

The committee on enrolled bills reported that they have examined, and find correctly enrolled, an act to change the time of holding the county courts of Chambers county; and an act to authorise the Secretary of State to distribute certain books therein named.

The following message from the Senate, was received by Mr Connor, their secretary—Mr Speaker: The Senate concur in the amendments of the House, to the bill to suppress the use of Bowie knives; also, they concur in the amendments made by the House of Representatives to the bill to compensate the Secretary of State.

Mr Puckett's resolution to appoint a committee to wait on his Excellency the Governor was called up and adopted. Messrs Moore, Smith of W. and Slaughter were appointed said committee on the part of this House.

Mr Moore from the committee on the State Bank, to whom was referred the bill from the Senate, entitled an act regulating the mode of discounting notes in the Bank of the State of Alabama and its several branches, having had the same under consideration, reported the same back without amendment, which was read a third time, and there not being a quorum of the House present, the bill was not further acted upon.

The following message was received from the Senate, by Mr Connor their secretary—Mr Speaker: The Senate concur in the resolution of the House, proposing a committee to wait on the Governor, and inform him that the two Houses have gone through all their business, and are ready to adjourn, and have appointed messrs Smith, Mcgrew and Hudson, on the part of the Senate.

The committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, viz: an act to repeal an act incorporating the town of Jacksonville, in the county of Benton; and an act to compensate the Secretary of State for copying and superintending the printing the acts and journals of the present session of the General Assembly, and for other purposes.

The following message was received from the Governor, by Mr C. C. Clay, jr. his private secretary—Mr Speaker: His Excellency has on this day approved and signed the preamble and joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, which originated in the House of Representatives.

The following message was received from the Senate, by Mr Connor their secretary—Mr Speaker: The Senate have gone through their business, and are now ready to adjourn *sine die*.

The committee appointed to wait on his Excellency the Governor, made the following report: The committee appointed on the part of the House of Representatives, to act with such committee as might be appointed on the part of the Senate to wait on his Excellency the Governor, and inform him that the two Houses were now ready to adjourn *sine die*, if he had no further communications to make; reported, that they have discharged the duties assigned them, and received for answer, that he had no further communication to make, which was laid on the table.

The following message from the Governor, was received by Mr C. C. Clay, jr. his private secretary—Mr Speaker: The Governor has this day approved and signed the following bills, which originated in the House of Representatives, to wit: an act to raise a salary for the judge of the county court of Dallas county; an act to compensate Merriman Pounds for public services; and an act to incorporate the Tallassee Bridge Company.

Mr Smith of Madison offered the following resolution, which was unanimously adopted: *Resolved, unanimously*, That the thanks of this House are due, and are hereby tendered to the Honorable Arthur P. Bagby, for the able and impartial manner in which he has discharged the very arduous duties of the chair, during the present session of the Legislature, now about to close.

Mr Speaker then rose from his chair, and addressed the House as follows:

Gentlemen of the House of Representatives:

After a short session of unusual interest, owing to the great and interesting subject, submitted to our consideration, the period for our political dissolution is again at hand, and I beg leave to renew to you, the assurance of the lasting obligations I am under to you, not only for the honor originally conferred; not only for the cordial and unyielding support, I have uniformly received in the discharge of the duties of the Chair; but more especially for the kind and flattering terms in which you have been pleased to refer to my public conduct, in the resolution before me. Indeed it is impossible for any one who has witnessed the proceedings of the present session, to resist the conclusion, that in a body, the members of which are distinguished for assiduity and diligence in labor, and for moderation, decorum and dignity in debate, the duties of the presiding officer, are merely nominal; and that the members of this House are eminently entitled to that character, I bear the most willing testimony. It is impossible, gentlemen, to contrast the state of things which existed at the close of our last session, with that which now prevails, without being most forcibly struck with the extreme mutability, of all human affairs. At that time, one unvarying scene of boundless prosperity, abundance and happiness, played in pleasing perspective before us, without one speck even in the distant horizon, to cast the slightest shade over this delightful prospect. At this time, owing to one of those great and sudden revulsions, which human sagacity could not foresee, and against which human prudence cannot always guard; that scene has sadly changed, and pecuniary embarrassment hangs like a dark cloud over a large portion of the community. I indulge the hope however, that the measure we have adopted, with so much unanimity, will meet our most sanguine expectations, and have the effect of relieving those who are looking to the result of our deliberations, with the most ardent solicitude.

In looking through the distant lapse of future years, it is impossible for me to foretell what destiny awaits the members of this House. But I will not dismiss from my heart, the pleasing expectation, that they will individually be rewarded in proportion to their zeal, integrity, ability, patriotism and virtue, that they may long continue to enjoy the confidence of a just and enlightened people, which they so justly merit; and in conclusion, I fervently beseech the Great Author of our Being, to bless each one of them, with a long life on the one hand and honor and riches on the other. I now pronounce this House adjourned, *sine die*.

A. P. BAGBY, *Speaker of the House of Representatives.*

G. B. FRIERSON, *Clerk of the House of Representatives.*